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ABSTRACT

This document consists of six issues of the ARL (Association of Research Libraries) Newsletter, covering the year 1997. Each issue of the newsletter includes some or all of the following sections: "Current Issues," reports from the Office of Scholarly Communication, Office for Management Services, and Coalition for Networked Information, "Federal Relations," "Statistics and Measurement," "Diversity," "ARL Activities," and a calendar of events. Topics covered include: partnerships to develop geographic information systems services; licensing electronic resources; increasing minority representation in the library profession; projections of 1997 purchasing strategies; themes in literature on the topic of change; the difference between Affirmative Action and Equal Employment Opportunity; museum collaboration in marketing ventures for digital images; California Digital Library; balancing the academic versus market value of university presses; new program directions for the Coalition for Networked Information; American Institute of Physics and American Physical Society prevail in lawsuit by Gordon and Breach Science Publishers; developing a community of trainers at University of British Columbia Library; role of identifiers in networked information applications; measuring the performance of interlibrary loan and document delivery services; Texas digital library programs; introduction in Congress of the "Digital Era Copyright Enhancement Act"; and shared leadership systems where authority and responsibility are distributed throughout the organization. A special copyright issue (June 1997) covers CONFU (Conference on Fair Use) guidelines, Fair Use in a digital environment, managing intellectual property in the digital environment, and Canadian copyright law. (SWC)

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ARL: A Bimonthly Newsletter of Research Library Issues and Actions, Nos. 190-195 February-December 1997

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A BIMONTHLY NEWSLETTER OF RESEARCH LIBRARY ISSUES AND ACTIONS

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February 1997

Current Issues

NETWORKING CULTURAL HERITAGE:

THE ROLES OF THE COMMUNITY

by David L. Green, Executive Director, National Initiative for a Networked Cultural Heritage

NINCH has arrived. Several years in the making, the National Initiative for a Networked Cultural Heritage is now in business with an office in Washington DC's Dupont Circle.

Addressing the challenges and opportunities that digital communications bring to our lives, NINCH was formed as a membership coalition across a wide spectrum of the cultural community. Museums, libraries, research and educational institutions, and contemporary arts organizations are joining NINCH to help build an environment in which people and institutions can network their cultural resources in smart and integrated ways—and receive encouragement and support in doing so.

The value of digitally networking the stories and images, the wisdom, beauty, experimentation and yes, even data, that resides in our libraries, museums, archives, schools, arts centers, studios, and galleries is gaining acceptance. But are we ready to respond to the multitude of issues around this enterprise?

The idea for the National Initiative for a Networked Cultural Heritage has been developing since a 1992 Irvine meeting on "Technology, Scholarship, and the Humanities," when the Getty Information Institute, the American Council of Learned Societies, the Coalition for Networked Information, the Research Libraries Group, and the Council on Library Resources convened leaders in the field to begin collectively to consider the implications for the humanities of the digital revolution. When the Clinton Administration's 1993 Action Agenda[1] for creating a National Information Infrastructure failed to acknowledge any role in the envisioned NII for the arts and humanities, a leadership group was assembled in Washington, DC to organize the community's broad response. NINCH is the result of that effort.

I should emphasize that this "national" initiative is not about promoting U.S. culture, nor does it see its concerns stopping at U.S. borders. This effort is as much about working to create an integrated body of knowledge on the Global Information Infrastructure as it is about national interests. Already, NINCH has spoken at international gatherings and, though based in the U.S., has an international perspective.

We are now in the midst of our start-up strategic plan that reflects 3 paramount concerns:

- that the cultural community have a clear sense of direction about its role in the new digital environment so that constituencies can develop a coordinated, systematic approach to networking cultural resources;
- that government and industry understand the place and potential of the arts and humanities in the development of a Global Information Infrastructure; and
- that this very broad and diverse community have a common, dependable communications infrastructure it can use to share and learn about developments in digital networking, as well as to coordinate its positions and expertise on issues, research, and developments in the field.

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NINCH's immediate solutions to these concerns are, respectively:

- **Community Building**
  We will include as many members of the cultural community as possible in the task of building a platform where we articulate and voice a clear direction for this community in the digital arena.
- **Advocacy**
  NINCH will make the case to government, to other major institutions, and to our own constituency about the critical importance of ensuring that the arts and humanities community be a partner in the construction of the National Information Infrastructure. As a start, it has created a working group to develop 1997 and longer-term Congressional and advocacy strategies.
- **Communications and Education**
  NINCH is constructing its own communications infrastructure, on which it will gather and distribute news and information about networking developments, provide guidance and leadership in prioritizing the issues we face, and communicate a broad working agenda to our member organizations.

The Role of Libraries

The library community—especially research libraries—has been a leader in thinking through many of the benefits and challenges of digitizing and networking resources. It was an early leader in accomplishing the first order of business: digitizing information about information, such as card catalogs and bibliographies, networking it, and collaborating with other institutions in integrating and distributing it. The library world has covered considerable territory, with the leadership of the Library of Congress developing MARC and its later progeny, and emphasizing the development of information standards, and of OCLC and RLG in looking at new distribution mechanisms.

Beyond the integration of networked cataloging and finding aids, one of the next steps of course is the publication and/or distribution by libraries of electronic texts and other media—electronic journals, electronic versions of printed texts, and of archival material. There are many ambitious initiatives within the library community that are rising to the challenges of piloting projects, pushing forward research, and organizing new infrastructure within the library community. Among these are the Library of Congress' National Digital Library Program, the massive NSF/ARPA/NASA-funded Digital Library Initiative, and the recently formed National Digital Library Federation.[2] However, it is at this stage that things really get interesting as issues of access, copyright, fair use, licensing, and economic and institutional re-structuring come into play—issues that are as compelling as the many technical challenges that need to be overcome.

It is at this point also that, I submit, the library community has much to share with, and much to learn from, a broader community through the medium of an organization like NINCH. We plan to provide mechanisms for sharing technical and conceptual advances across sectors: summit meetings where constituents can stake out common ground, share research and plan for the future. On the advocacy front, NINCH will work across the coalition in a collective approach in order to gain greater political and economic support for all those engaged in cultural heritage networking. And for the application of the wisdom and lessons from history to the creative mapping of the terra incognita before us, NINCH plans to use mechanisms like the Two Ravens Institute (established by Rice University Librarian Charles Henry to bring multiple academic and cultural perspectives to bear on the social transformations wrought by networked technology), a National Research Council study on new ways for humanists and technologists to work together (currently in its early stages), and other collaborative instruments.

NINCH COMMUNICATIONS

For news, updates and the NINCH Newsletter, sign-on directly to the NINCH-Announce listserv. Send e-mail to <listproc@cni.org> with the following message "subscribe Ninch-Announce [your name]." For the latest information on NINCH, together with hotlinked back issues of the newsletter and selected announcements, visit the NINCH web site at <http://www-ninch.cni.org>.

Linking With Other Communities

In practical terms, NINCH will be trying hard to create pathways between sectors of the cultural community that have not often worked together before—and that often speak different languages.

Archivists—still a separate but related community—are doing tremendous work through the development of the Encoded Archival Description. The EAD, a document type definition (DTD) for the Standard Generalized Markup Language, enables archival material and their finding aids to be searchable online, and is fast becoming a major landmark on the scene against which other DTDs are being mapped. A barrage of collaborative projects to demonstrate the utility of the EAD have recently been funded. These include The American Heritage Virtual Archive Project,[3] an experimental prototype to make available in a single searchable database hundreds of finding aids to primary source materials in American history and culture from collections at 4 major research libraries.

Museums have been brought far by organizations such as the Getty Information Institute and its extensive work in encouraging the development and adoption of descriptive, information, and technical standards in documenting art history. The Consortium for the Computer Interchange of Museum Information (CIMI) was initiated by the Museum

Computer Network to assist museums make their information available to the broadest audience through digital networks. Museums are now mounting exhibitions and some collections online with growing confidence, and beginning to use their collection management databases in conjunction with their Web or other electronic multimedia presentations to enable visitors to make their own explorations. Events such as the annual Museums on the Web conference[4] are enabling museums to think more collaboratively, to move beyond their own electronic walls, and to begin to build a more integrated online presence: a "Digital Museum" akin to (and we trust eventually integrated with) the "Digital Library" that the library community imagines. There is a lot of work still to be done technically and socially. Issues of copyright protection, fair use, and the ability to license museum images are currently hotly debated.

One model of the kind of inter-sectoral enterprise that NINCH will encourage is the Museum Educational Site Licensing Project (MESL), sponsored by the Getty Information Institute and MUSE Educational Media <www.ahip.getty.edu/mesl/home.html>. A two-year project initiated in 1995, MESL brings together seven museums and seven colleges and universities to establish technical, legal, and administrative frameworks for delivering high-quality digital images. Several thousand images with contextual material have been digitized in an increasingly integrated process and are being used by students and teachers on the seven campuses. The project has already taught many unpredictable lessons on how such different institutions can work together.

Mediation also needs to occur within sectors, and within institutions as our broad working landscape is being transmuted by electronic networking. Libraries are clearly in the early days of transforming their own roles and identities. Peter Lyman, University Librarian at the University of California, Berkeley, has perhaps best described the dynamic currents effecting the transformation.[5] He cites the example of the library's traditional role as simple mediator between scholars and collections changing to a more subtle and multiplicitous one as more material is delivered to scholars digitally. Already libraries are setting up cooperative institutions, systematically and collectively acquiring (or acquiring the rights to) digital collections, negotiating contracts, becoming electronic publishers, and conducting research and development into new technologies. Libraries will become more actively involved in the process of teaching and learning as, with the Internet's ability to supply primary documents with ease, education becomes more extensively like research, with greater opportunities for collaborative discovery replacing the rehearsal of the contents of inert textbooks.

NINCH Members

American Association of Museums
American Council of Learned Societies
American Historical Association
Americans for the Arts
Art Libraries Society of North America
ArtsEdge/John F. Kennedy Center for the Performing Arts
Arts Wire/New York Foundation for the Arts
Association of Art Museum Directors
Association of Research Libraries
Coalition for Networked Information
College Art Association
Commission on Preservation and Access, Council on Library Resources
Getty Information Institute
Johns Hopkins University Library
Library of Congress
Museum Computer Network
National Association of Artists Organizations
National Assembly of State Arts Agencies
Research Libraries Group
Rice University
Society of American Archivists
Smithsonian Institution
UCLA Library
Visual Resources Association

The Role of ARL and ARL Libraries

Innovation is a social and cultural phenomenon, not a technological one. With much technical work to be done, the cultural community needs a strong and broad vision of itself and its needs in this area to be able to articulate and command what it wants, rather than riding sidecar to the main show. As a coalition, NINCH has immense potential to catalyze enough synergetic partnerships to carry us forward in the right direction.

ARL is a founding member of NINCH to ensure that research libraries were part of the early phases of this important initiative and to influence the direction it takes. In what we hope will be a growing trend, a number of research libraries have joined NINCH to involve their institution directly. We invite more in the library community to join NINCH full throttle in this drive.

[1] Information Infrastructure Task Force, *The National Information Infrastructure: Agenda for Action*, 15 September 1993.

[2] The National Digital Library Program: <lcweb2.loc.gov/ammem/ammemhome.html>; the Digital Library Initiative <http://dli.grainger.uiuc.edu/national.htm>; the National Digital Library Federation <http://lcweb.loc.gov/loc/ndlf/>.

[3] The American Heritage Virtual Archive Project: <http://sunsite.berkeley.edu/FindingAids/EAD/amenhet.html>.

[4] For information on the Museums and the Web conference see <http://www.archimuse.com/mw97/mw97toc.htm>.

The best survey of art museums on the web is afforded by the Art Museum Network <http://www.amn.org/>.

[5] "Q & A With Peter Lyman," *RLG News*, No. 39 (Winter, 1996) <http://www.rlg.org/rlgnews/news39.html>.

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USING PARTNERSHIPS TO DEVELOP NEW GIS SERVICES

by Melissa Lamont, Maps Librarian, Pattee Library, Pennsylvania State University

Just about everyone who has written about geographic information systems (GIS) agrees that they pose daunting service and collection challenges for libraries. Such systems can be expensive and can require skills not yet adequately developed in library staff. And yet the allure of GIS is strong. The most compelling and exciting attraction is inherent in GIS itself: the ability to depict information in new and vivid spatial terms. GIS enables the layering of two or more sets of data that refer to the same geographical area, often leading researchers to discover new relationships and insights—in essence, new information. Thus environmental scientists might map the locations of a region's mineral deposits, while economists might map the amount of ore retrieved during a certain period in the same area. Layering these two datasets may help us discover new ways to approach land management in the region. GIS technology is being used by criminal justice specialists to understand patterns of crime in neighborhoods and by epidemiologists to track the spread of disease throughout the country, as well as by a host of other researchers in virtually all disciplines.

A small wave of library literature has recently focused on GIS, extolling the value of incorporating GIS services into the library. At the same time, we have been warned of several challenging issues. GIS represents a steep learning curve for most library staff; it is simply different from the bibliographic databases that we have been familiar with. It requires a substantial investment in hardware, software, and human expertise. Understanding these challenges, in early 1995 the Penn State University Libraries began to plan for the incorporation of GIS services.

A scan of the local environment suggested the library was in an excellent position to develop such a service. The Libraries function as the Regional Map Depository for the state, house a large map and atlas collection supporting a strong geography department, and have participated in ARL's Geographic Information Systems Literacy Project since its inception. Anecdotal evidence suggested that the demand for electronic mapping services existed, especially among non-traditional users such as historians, anthropologists, and health care professionals. Since more traditional users—for example, geographers and agronomists—usually want data rather than analytical capabilities, providing a data-location service for them would also be considered a worthy goal. Such a service would be strongly valued in a climate in which data is often difficult to find, especially given the tendency of data producers to charge for access as a means of recouping costs. A further environmental factor was the lack of coordinating agencies for GIS data and services in either the University or the state. Finally, GIS was seen as one means of meeting an important goal of the University's new President: community outreach.

This brief analysis also revealed a lack of appropriate coordination of the production, documentation, and archiving of GIS data. Also lacking were GIS facilities for casual users. In response, a new mission had to be drafted for GIS services: to create a digital library of spatially referenced data, to make the data available to the widest number of users through in-house facilities and the Internet, and to acquire, organize, and archive these data, particularly data concerning Pennsylvania. Fulfilling the mission would require sophisticated computer equipment, new software, a cadre of technical and support personnel, a great deal of planning, and a commitment to significant evolutionary change.

Given the size and cost of the task, it soon became apparent that the GIS initiative would require forging new partnerships and building on existing relationships outside of the Libraries. Thus, together with Penn State's Department of Geography and the Center for Academic Computing (CAC), the Libraries developed a plan to place a fully functioning GIS Center within the Maps Room. Each partner contributed time and resources to the project, and representatives met regularly to move the project forward. The CAC provided most of the hardware and technical support. The Department of Geography developed a three credit course to offer students an internship in the GIS facility. The Libraries contributed hardware, space, furniture, and coordination.

The Libraries reconfigured the Maps Room, freeing space for eight personal computers connected to a UNIX server, along with the necessary furniture, wiring, and cabling. ArcView and ARC/INFO software, already licensed and in use as part of the ARL project, were chosen. In January 1996, after nearly a year of planning, CAC installed the hardware and the GIS Center was ready for users.

Also in January, the Geography Department offered the first GIS Intern Course, one of the truly innovative outcomes of this partnership. Thirteen undergraduates were selected to participate in the course, developed by a geography professor and a graduate student. The participants, all of whom had excelled in the introductory GIS course offered in the Geography Department, represented many different majors—Mathematics, Engineering, Sociology, English, as well as Geography. The course had two major objectives: 1) to provide the library with trained staff to assist in the operation of the GIS Center, and 2) to provide students with practical, real-world experience with GIS and to develop communication skills needed to interact with clients of varying skill levels.

One-third of the course included an introduction to the organization and services of the Libraries; sessions on ArcView and other mapping programs; and basic instruction in Web page creation. During the final two-thirds of the course, students staffed the GIS Center for most of its hours of operation.

Developing a service policy for the GIS Center became an important first priority. Planners agreed that the Center should not be a production facility. Researchers, not Center staff, would be responsible for intellectual processes such as data manipulation and display of data on maps. Instead of creating maps for users, the intern's job was to offer instruction in software use and guidance in finding appropriate datasets. As an aid to the interns, a simple service policy statement was developed that clearly delineates these boundaries. In addition, referral information for laboratories and firms that offer analytical services, as well as information on several commercial cartographic consulting firms in the area and a list of books and courses, is available for users who want more information.

As a course requirement, each intern had to develop a project that would enhance the operations of the GIS Center. The interns quickly intuited the needs of the facility, developing creative and useful projects. One constructed a GIS Center handbook, complete with policies, procedures, and basic operational details. Another developed a Web interface for the Digital Chart of the World dataset. Still another created a cookbook featuring a sample map, a recipe showing the software and data needed to create a similar map, and instructions on how to operate the software.

The success of the Internship Course was demonstrated in the Libraries' decision to hire two of the interns to work during the summer and the Geography Department's plans to continue offering the course, thus providing the library with an ongoing pool of trained and experienced personnel who will continue developing projects and skills essential to the success of the Center.

At the same time, the GIS Center staff looked toward their role as data providers. Again, the challenges were many, but they were met through partnerships. Data acquisition is often a matter of feast or famine. Most libraries use a fraction of the flood of electronic information that pours in through the Federal Depository Library Program. At the same time, obtaining state and local data can be an ongoing challenge: many smaller governments want to charge for data and few are organized to provide information efficiently to the general public. The Libraries were thus positioned, with a service space and staff, to pursue another goal—offering government agencies an outlet for their data and a point of contact for the general public.

The Libraries entered another partnership with the Environmental Resources Research Institute (ERRI), a semi-independent research group with GIS expertise, and the Deasy Geographics Laboratory, the campus cartography lab. The goal of the partnership is to distribute Pennsylvania-based spatial data. The group is working for the Pennsylvania Department of Environmental Protection (DEP) to develop a Commonwealth GIS data management and distribution system that will search, retrieve, report, and distribute spatial data maintained by DEP, Penn State, the federal government, or any other appropriate group. The project is tentatively named the PA Spatial Data Access (PASDA) system. ERRI staff coordinate the project and handle the budget; Deasy staff are working on Web designs; the Libraries will document the data and provide public service. Readers can access the PASDA prototype at <http://www.pasda.psu.edu> and the Maproom site, which now includes the DEP and federal data, at <http://www.maproom.psu.edu>.

These partnerships have provided the GIS Center with a trained, continuing student staff and the Geography Department with a practical, hands-on GIS course. The Center for Academic Computing provides help with hardware issues, and they are testing new file storage and transfer systems. With ERRI and Deasy, the Libraries have developed PASDA as a World Wide Web interface to distribute spatial information to students and researchers, the state, even the nation. DEP now has an outlet for their data and a public service contact point outside their own offices; other state government agencies will be welcome to follow DEP's example by contributing data to the PASDA.

Partnerships are not new or unique. That so many creative people from so many agencies were brought together to develop the Penn State Libraries' GIS Center, however, appears to be unusual. The success of the project, for the Libraries, is directly attributable to the success of these partnerships.

GIS Services Addressed in New OMS Publication

Incorporating GIS services into libraries is the subject of the upcoming second issue of *Transforming Libraries*, to be published by OMS in March. Still an emerging technology, GIS raises a host of issues. Written by George Soete, with Editorial Advisor Prue Adler, it examines key questions for building, staffing, and educating users about GIS services, and includes reports from the field highlighting lessons learned by institutions adopting this emerging technology for their own libraries. *Transforming Libraries #2: Issues and Innovations in GIS* will be distributed as part of the OMS SPEC series subscription. Single additional copies will be available for $34. Contact the ARL Publications Department <pubs@cni.org> for more information.

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Mary M. Case, Director

LICENSING ELECTRONIC RESOURCES: STATE OF THE EVOLVING ART

by George Soete, ARL/OMS Organizational Consultant

A diverse group of 150 information professionals gathered in San Francisco on December 8-9, 1996 for *LET THERE BE LIGHT! A Conference on Licensing Electronic Resources: State of the Evolving Art*, jointly sponsored by ARL and the Coalition for Networked Information. Lively presentations and discussions ranged broadly through copyright issues, contract law, the economics of publishing and acquiring electronic information, and the management of electronic property.

Vincent Resh, Professor of Environmental Science, Policy, and Management at the University of California at Berkeley and Editor of *Annual Reviews*, opened the conference reflecting the views of the ultimate producers and consumers of scholarly information—scholars. Resh sees a future for electronic publishing where individual chapters and articles are available on the Internet as soon as they are "typeset." Eventually, he predicts, all articles will be available on the Internet for free: one will pay only for downloading.

Liz Pope, an Electronic Publishing Developer with Academic Press, provided important insight into what several publishers are doing to enter the electronic publication arena. Pope described APPEAL, the Academic Press Print and Electronic Access License, a licensing scheme that provides a network or consortium of libraries access to a defined collection of Academic Press journals. APPEAL permits unlimited viewing, downloading, and printing of complete journal articles for personal research or internal company business purposes and allows all authorized users at all sites within licensed library networks to have access to all the journals held by the consortium collection.

Ann Okerson, Associate University Librarian at Yale University, presented the point of view of a large academic research library that has negotiated some one hundred "significant" database licenses with vendors. Okerson noted that negotiation is usually reserved for those occasions when economic stakes are high on both sides, when there is no firm basis for pricing, or when the parties distrust one another for some reason. Successful license negotiation, according to Okerson, requires some knowledge and skills in the area of licensing, but also important is a sense of the goals of one's organization, patience and flexibility, and clear authority and confidence from the parent organization.

Georgia Harper, an attorney in the Office of the General Counsel of the University of Texas System, pointed out that the time when we could ignore licensing has passed. Licenses can have unacceptable and unreasonable access and use restrictions in them. Moreover, vendors can terminate such licenses—even sue you for loss of revenue—if the terms of an agreement are not observed. Harper provided several practical reminders for dealing with licenses and explained that copyright law is the backdrop for current disagreements in the field of licensing. Users and producers of electronic information have very different views of fair use. Though there have been few lawsuits thus far, the digital environment provides a combustible mix: a huge potential educational market; copyright owners who are anxious and fearful about losing rights and profits; and naive users.

Trisha Davis, Head, Continuation Acquisition Division, Ohio State University, encouraged attendees to become more familiar with reading and managing licenses. Although there is no standard license agreement, Davis identified four areas that are found in all licenses: definitions, use capabilities and restrictions, user obligations, and other contractual provisions such as termination clauses and warranties. Davis advocates creating templates for important pieces of information, such as who the library's users are and how they access and use electronic information, and has developed teams locally who help answer these types of questions. These resulting written statements become addenda to actual contracts, and they have been enormously helpful in explaining key points to vendors.

Barbara McFadden Allen, Director of the CIC Center for Library Initiatives, described the experiences of CIC member institutions over the past two years as they have negotiated eight large consortium contracts for electronic information resources at an estimated savings for member libraries of one million dollars. According to Allen, identifying and evaluating electronic content of interest has not been a difficult problem; evaluating access, on the other hand, presents challenges. Points of evaluation and eventual contract negotiation include: defining the participant libraries; defining the user population; agreeing on security; defining remote versus onsite use; describing the format and media of the data; and defining ownership rights to the data (purchase or lease). The CIC uses its size and buying power to demand significant price breaks. Allen also noted that effective communication is critically important. There should be a single contact point in each library during the decision process. Moreover, member libraries should be discouraged from "jumping the gun"—negotiating separately with the vendor—even though they may be powerfully motivated to do so.

David Farrell, Assistant University Librarian, University of California, Berkeley, focused on *Principles for Acquiring and Licensing Information in Digital Formats*, developed by the University of California Libraries System-wide Collection Development Committee. According to Farrell, there are four core principles in the document: 1) the key objective is to own the content of electronic resources, archive it, and preserve it; 2) support of logical, cost-effective, common standards is encouraged; 3) fair

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use must be preserved; and 4) negotiators need to see a rationale for costs.

While helpful to the UC campuses, the guidelines have also been useful in communicating basic principles to vendors, who often appear to be as lost in the world of licensing as librarians are. Farrell suggested several items for the future: more flexibility in product options—smaller sets within large collections, alternatives to present pricing schemes, and stronger focus on database quality; fewer surprises—such as sudden changes in the coverage of the database; and better data on what, of the electronic products we acquire, our users actually need and actually use.

Emanuella Giavarra, Project Director for the European Copyright User Platform (ECUP), presented a European perspective on intellectual property and licensing. Giavarra discussed the development of the Position on User Rights in Electronic Services—an ECUP strategy for moving the issues that arise in licensing into the arena of regulation. A guiding principle of the ECUP position is that "the user has the right to have access to copyrighted material and to make a copy for private use, research, or educational purposes." Thus, users should have the right to read or view publicly marketed copyright material, on site or remotely, and to copy a limited number of pages electronically or on paper for private use, research, or educational purposes. At the same time, rights owners can expect that libraries will strive to ensure the implementation of safeguards to comply with contractual limitations and will inform their users about copyright restrictions. As a part of their position statement, ECUP has provided a model for legitimate access which looks at the interplay of several dimensions, including type of library, type of user, type of access, and types of permissible activities.

Richard DeGennaro, Senior Library Advisor for JSTOR, presented another vendor model for providing electronic information. JSTOR is developing strategic partnerships among copyright owners and libraries. The JSTOR license includes a broad definition of "authorized users," and users are permitted to make limited copies—both print and electronic—for personal, non-commercial use. The potential use of JSTOR materials to fill interlibrary loan requests, however, was of great concern to publishers and difficult to negotiate. DeGennaro believes that ILL will be an insignificant portion of JSTOR use. In the end, ILL is permitted, but licensees will be required to track actual usage of JSTOR materials for ILL over the next two years.

Marie Hansen, Associate Director of Johns Hopkins University Press (JHUP), focused on Project Muse, which aims to make at least 40 journals in the humanities and social sciences available by subscription on the WWW. Licenses permit unlimited onsite copying and downloading, but do not permit exporting over the Internet. Hansen noted that, contrary to popular opinion, there are significant costs associated with electronic publication.

- First copy costs for either a print or electronic product account for 60% of total costs.
- Traditionally, costs for print copies have constituted the remaining 40% of the costs.
- JHUP is estimating that the electronic version will cost another 30% to prepare.
- Therefore, JHUP has set 130% of the print subscription as the price for both print and electronic access. Electronic only access is offered at 90% of the print subscription price.

Robert Weber, Senior Vice President, InterTrust Technologies Corporation, focused on the management of intellectual property. InterTrust and other knowledge management companies are providing technical mechanisms for protecting the rights of various contributors to a piece of electronic information (author, publisher, etc.) as the information makes its way through the "value chain" to the end user. In addition to rights protections, these "secure containers" provide the opportunity for income payback for those who add value to the information process, as well as valuable usage data.

David Millman, Manager of Research and Development, Academic Information Systems, Columbia University, reported on an NSF-sponsored workshop on Terms and Conditions in Digital Libraries, held at Columbia University in September 1996. The workshop brought together 35 participants who offered legal, economic, policy, publishing, library, and technology perspectives. Major outcomes of the session included: 1) a realization that there is a need for an interface between copyright law and contract law; 2) pricing for network-based information is simply not well understood at this point; 3) maintenance of privacy is a crucial issue in the networked environment; and 4) education of end users is crucial.

George Soete, ARL/OMS Organizational Development Consultant, provided a brief wrap-up of conference content. Soete noted how strong the human themes were, even though conference content focused on apparently technical subjects. Librarians and technologists will be challenged by working with each other and with vendors in new ways. They will need to sharpen interpersonal skills, especially negotiating skills. To gain mastery over the relatively new arena of licenses and licensing, an individual will need to commit to learning more about the subject, to teaching their organizations what they have learned, to try new approaches, and to view "failures" as learning experiences.

A more detailed summary can be found at <http://arl.cni.org/scomm/sum.html>. The full conference proceedings will be published in 1997.

FEDERAL RELATIONS

Prudence S. Adler, Assistant Executive Director-Federal Relations and Information Policy

COPYRIGHT TERM EXTENSION BILL REINTRODUCED

Rep. Gallegly (R-CA), along with nine co-sponsors, introduced the Copyright Term Extension Act of 1997, H.R. 604, on February 5, 1997. Similar to legislation introduced last year in the House and Senate, this bill seeks to extend the term of ownership of a copyrighted work from the life of the author plus 50 years to the life of the author plus 70 years. This would provide U.S. copyright holders the same length of protection given to copyright holders in the European Union.

H.R. 604 includes an exemption (under certain circumstances) for libraries and archives for the last 20 years of any copyright term. This exemption seeks to address the concerns that an additional 20 years would place new burdens on libraries and archives. It is based on the 1996 discussions between members of the Shared Legal Capability (SLC)—representatives of ARL, AALL, ALA, MLA, and SLA—and members of the proprietary community that was facilitated by the Register of Copyrights.

Members of the SLC are evaluating the proposed exemption for libraries and archives. It is anticipated that the Senate will introduce companion legislation shortly.

WIPO TO DISCUSS PROPOSED DATABASE TREATY IN MARCH

The World Intellectual Property Organization (WIPO) has scheduled an ambitious timetable to consider the Proposed Treaty for the Sui Generis Protection of Databases. The draft database proposal was one of three treaties circulated by WIPO in advance of the diplomatic conference in Geneva in December 1996. Representatives to the conference did not act on the database proposal primarily for three reasons: deep concerns regarding the proposal, failure to have adequate time to consider the proposal "domestically" prior to setting an international norm, and lack of time to discuss the draft treaty in Geneva. See <http://arl.cni.org/info/frn/copy/copytoc.html> for more information.

At a meeting set for March 20-21, 1997, representatives to WIPO will consider a proposal to convene a Committee of Experts in September 1997 who will consider a first draft of the database treaty. This draft treaty would be written by the WIPO International Bureau and be based on comments received from member nations. It has been indicated that further consideration of the draft would then occur by the WIPO Governing Bodies between September 22 and October 1, 1997.

This establishes an extremely aggressive timetable for an issue that has not been domestically debated. Deep and serious reservations concerning the draft database treaty are evident in the comments filed before the U.S. Patent and Trademark Office in November 1996. Of the total 857 comments filed before the PTO, only 6 organizations wrote in support of the proposal. These proponents include the Information Industry Association, McGraw-Hill, Reed Elsevier, Thomson, Time Warner, and the U.S. Council for International Business/International Chamber of Commerce. The majority—88 organizations, 124 individuals with occupations (e.g., name@arl.org), and 645 individuals (e.g., name@aol.com)—wrote in opposition or expressed concerns with the draft treaty. It will be critically important that the Administration signal its opposition to this new timetable.

In a recent meeting, Michael Kepplinger of the Patent and Trademark Office commented on the U.S. position and stated that the U.S. sees no urgency in dealing with database issues. He also stated that the U.S. would not object to convening a Committee of Experts to consider this issue, but sees the possibility of a "final" database treaty as unlikely for several years.

NEW ARTICLE OF UCC ADDRESSES LICENSES

The National Conference of Commissioners on Uniform State Laws is drafting a new article (Draft Section 2B-308) of the Uniform Commercial Code (UCC), which forms the basis for contract law in most states. This new article addresses mass market licenses and states that in most instances "shrink wrap or click on" licenses would be enforceable. Under such a proposal, a license included in a software product could state that by removing the software's shrink wrap packaging, a user agrees to waive all fair use privileges associated with the software. Similarly, a license written by a web page designer could provide that by clicking on the "next page" icon, the user agrees to refrain from copying any facts appearing on the web page. Such proposals would permit content owners to significantly restrict the rights of users of copyrighted materials.

Members of the Shared Legal Capability are reviewing the draft section and other parts of Article 2B to fully understand the intent of the proposals and the possible impact on library services and users. The proposals are still under consideration and a final draft will not be presented until the summer of 1997.

ADMINISTRATION RELEASES FY 1998 BUDGET PROPOSAL

On February 6, the Clinton Administration released its proposed FY 1998 spending plan with ambitious proposals in support of education. The plan allocates $1.69 trillion in 1998, with $252 billion in net deficit reductions. A significant portion of those reductions will come from discretionary spending. Selected agency FY 1998 requests are summarized on the following page.

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Library of Congress and Government Printing Office

On February 11-12, the House Subcommittee on Legislative, Committee on Appropriations conducted hearings on the FY 1998 budget requests for the Library of Congress, the Government Printing Office (GPO), and related congressional branch activities. Robert Oakley, Professor of Law and Director of the Georgetown Law Library, testified on behalf of ARL, the American Library Association, the American Association of Law Libraries, and the Special Libraries Association in support of the budget requests. The Library of Congress requested $387.6 million for FY 1998. This request would fund mandatory increases, provide the necessary continuity for many programs, and target selected strategic technological activities such as the Integrated Library System and the Global Legal Information Network.

Of particular interest and concern to the research library community is the recent opinion by the General Accounting Office that the Library does not have the full legal authority to retain direct and indirect funds from approximately 100 participating research libraries in the Cooperative Acquisitions Program. In his remarks before the Subcommittee, Oakley noted that the library community "would welcome the opportunity to work with members of the Subcommittee to clarify the Library's authority to continue this collaborative relationship that is cost effective to both the Congress and participating libraries." ARL staff are working closely with the Library to resolve this issue quickly.

The GPO requested $30.4 million for the Superintendent of Documents Salaries and Expenses appropriations for FY 1998. $25.8 million will support the Federal Depository Library Program (FDLP). This appropriation will permit the transition to a more electronically-based FDLP. In his statement, Oakley commented that in 1995, an estimated 189,000 to 237,000 users a week "were provided expert service in locating and using depository materials at the 1,370 partner libraries."

Administration Requests Significant Increase for NEH

The Administration's spending plan includes a significant boost to the National Endowment for the Humanities. The requested $136 million is $26 million more than the FY 1997 budget. The Preservation and Access program is funded at $18 million in FY 1997; the request for FY 1998 is $21 million. The Research and Education program was also targeted for an increase—from $21.5 million in the current year to $30.6 million. ARL is supporting the NEH budget request in a joint statement developed with the Commission on Preservation and Access, Council on Library Resources and the National Humanities Alliance.

Institute of Museum and Library Services

The FY 1998 Administration budget request for the Institute of Museum and Library Services (IMLS) includes $136.3 million for the Office of Library Services and $26 million for the Office of Museum Services. This request includes first-time funding for the Library Services and Technology Act (LSTA), formerly the Library Services and Construction Act. In September, IMLS was established to improve library, museum, and information services via the consolidation of selected federal programs. Included in the library programs is a small allotment for programs of national significance or "national leadership grants," which may include support for joint museum/library projects.

Funding for Selected Library and Related Programs

(amounts in thousands)

	FY97 Budget Req.	FY97 Approp.	FY98 Budget Req.
GPO Su.Docs.	$30,827	$29,077	$30,477
Institute of Museum and Library Services	23,000	22,000	26,000
Library of Congress	373,000[1]	361,896[2]	387,600[3]
Library Services & Technology Act (or predecessor)	110,000	136,369[4]	136,370
Natl. Agricultural Library	19,000	19,000	19,000
Natl. Commission on Libraries and Info. Science	897	897	1,123
Natl. Library of Medicine (includes MLAA)	146,579	151,103	153,000
HEA Title III, Institutional Development	182,611	194,846	202,071
HEA Title IV-C, College Work-Study	679,000	830,000	857,000
HEA Title VI, International Education	59,073	59,751	60,251
HEA Title X-A, Postsecondary Ed.	18,000	18,000	18,000
Improvement Fund NTIA Info. Infrastructure Grants (TIIAP)	18,478	21,490	36,000
National Archives & Records Admin.	196,964	196,963	206,479
NEA	136,000	99,494	136,000
NEH	136,000	110,000	136,000
Natl. Historical Pub. & Records Commission	4,000	5,000	4,000

[1] Includes authority to obligate $28.3 million in receipts
[2] Includes authority to obligate $30.138 million in receipts
[3] Includes authority to obligate $30.4 million in receipts
[4] Includes appropriations for LSCA and HEA Title II

—Table Courtesy of ALA

COALITION FOR NETWORKED INFORMATION

Joan Lippincott, Interim Executive Director

CNI's Institution-Wide Information Strategies

CNI's new initiative, institution-wide information strategies, rests at the intersection of two of the most powerful forces affecting contemporary research and education: the spectacular growth in the range, performance, and user population of networks like the Internet; and the fundamental rethinking and radical redesign of institutional and organizational processes for dramatic improvement in critical measures of performance such as cost and speed. "CNI seeks to facilitate the efforts of research and education groups currently affected by these two forces and to work with these groups on institution-wide strategies in four key areas of networked information resource and service development: hardware and software infrastructure, budgets, policies and practices, and managing staff and facilities," explained CNI Steering Committee Chairman Richard West.

The initiative was recently explored at the Fall 1996 Task Force meeting of the Coalition for Networked Information (CNI) held in San Francisco on December 6-7. Approximately 337 attendees—representing 187 institutions—attended the meeting, which was touted as one of the most successful yet. As confirmed by new attendee Sally Sinn, who represented the USDA, ARS, and the National Agricultural Library: "I've been encouraged to attend these meetings for years and I'm happy I did. It's a collegial and lively group." Sinn added, "I enjoyed being among so many colleagues who are dealing with so many issues from the same perspective."

The first afternoon of the meeting began with nine project briefings that addressed various aspects of the networked information community: digital collections; Internet archiving; institution-wide information strategies; collaboration and institutional change; Web publishing; Document Type Definitions; full text delivery on the Internet; electronic serials; and scientific Web information resources.

"There were so many fascinating projects. CNI is truly a forum where you can hear critical information," said attendee Peter Hirtle, Manager, Digital Access Coalition, Cornell University.

The Internet Archive

Archiving the Internet was hosted by Brewster Kahle, President of the Internet Archive. In a dynamic and lively presentation, Kahle discussed the current state of the Internet Archive, an entity that gathers, stores, and allows access to all public information on the Internet. He also explained the problems of Internet publishing, including what he termed the "World Wide Wait," in reference to the speed of the Internet. "The digital area of late has not gone as far in maturity as it should," stated Kahle. The discussion sparked dozens of questions.

Kahle also described groups who will find the Net especially significant, including scholars and historians. "Historians are now studying the web sites of the Clinton and Dole camps. They have become to these scholars what other political memorabilia, like bumper stickers, used to be," said Kahle.

Issue collaboratories, a new small group program element, provided an opportunity for a highly interactive, focused, sustained exchange about current issues and followed the project briefings. Four issues were discussed: campus copyright and other intellectual property policies; support and training of faculty on the Web; selection, funding, provision, operation and support of distributed information resources and services; and managing access to technological resources in high demand and rationing scholarly materials such as publications.

Issue Collaboratory on Copyright

One of the most heavily attended issue collaboratory sessions was the program focusing on copyright and intellectual property policies, moderated by David F. Bishop, University Librarian, Northwestern University and Susan Foster, Vice-President of Information Technologies, the University of Delaware. The program initiated a lively exchange regarding: the extent universities should be involved in shaping public policies to capture the values of academic institutions; launching a CNI effort to influence accreditation agencies; the need for and against electronic reserves; universities' willingness to control access in meaningful ways; the difficulty in coming up with standard licenses; the advantages and disadvantages of electronic interlibrary loan; and database extraction rights.

There was general consensus that CNI should continue exploring alternative economic models for copyright and intellectual property between libraries and publishers. Additionally, many participants argued for the ability to control and use materials after site licenses were acquired. Other participants agreed that CNI should help develop a plan to make the market work for all communities.

The Future of Internet Services

The second morning of the CNI conference began with an address by Educom President Robert Heterick and @Home Director of Engineering, Paul Mockapetris. Heterick spoke of the future of the Internet from the higher education perspective and

Mockapetris discussed his company's architectural concepts and delivery strategies.

Heterick described the current state of networking following the privatization of the NSFNet. In the sudden transition, telecommunications companies and hardware suppliers were not ready to support users, but they are now moving expeditiously to solve problems. Heterick stated that solutions in networking will be found in cable, wireless, and satellite, as well as in telephony.

Some of the desirable characteristics of new Internet services are:

- capability to retain local packets locally;
- back-up for mission critical functions;
- higher bandwith and better than "best effort" service for advanced applications;
- performance metrics provided by vendors; and
- benefits of high bandwith networking in our homes.

Heterick noted that higher education needs to make sure it makes a difference and does not get trampled as one of the consumers in the networking market.

Heterick then described some of the developments in discussions on Internet 2. Gigapops would be shared in geographical regions to provide high bandwidth for desktop to desktop applications for collaboration and multimedia. He suggested that technology transfer will drive the development of Internet 2.

Regarding information applications on the network, Heterick stated that we should not extrapolate Industrial Age policies into the current networked scene. Commercial transactions will dominate the network and the doctrines of first sale and fair use will not survive in the new environment.

Mockapetris explained @Home's goal of providing high quality, high performance Internet services to millions of homes via cable television pipes. His company's design involves users leaving their systems on constantly so that intelligent agents can do their work of gathering appropriate information for their customers. They anticipate only 10% of their customers will actively use their systems at a particular time of day. He noted that the telecommunications companies cannot compete with this type of technical strategy. @Home's strategy makes use of:

- caching and data replication;
- proactive network management; and
- added value at every level of the network.

Both presentations provided an illuminating glimpse into possibilities for the future of networking.

Spring Task Force Meeting

The Spring Task Force Meeting will be held April 1 - 2 at the Crystal Gateway Marriott in Arlington, Virginia. The theme of the meeting will be Internet 2 Content Issues and the following Project Briefings will be included:

Approaches to Authentication/Library

Art Museum Image Consortium (AMICO): Collective Licensing of Art Galleries' Digital Content

Assessing the Academic Networked Environment: Overview

Assessing the Academic Networked Environment: Project Kick-off

Briefing on the Southeastern Universities Research Association (SURA) and the Monticello Electronic Library

Cost Centers and Measures

Electronic Services in Academic Libraries—Report of Survey

Institution-wide Information Strategies

Establishing a Secure Environment for the Sharing of Instructional Resources in the CIC Consortium

Update on Telecommunications Reform: Tracking the Progress of Implementation of the Telecom Act of 1996 and Related Issues

Federal Information in the Networked Environment

Internet 2: Content and Applications

The JISC Electronic Libraries Programme

Liblicense Website: Making a Market

National Digital Library Federation: Testbed Project Update

Networking on Next Generation Internet and NSF High-performance Connections

Implementing the ISO Interlibrary Loan Protocol: Current Status and Implications for Libraries

Publishers and Electronic Theses

SLA's Electronic Information Policy & Guidelines

New Approaches and Methods in Assessing Networked Information Services

Library Investments in Electronic Resources

Handouts for many of the project briefings from the Fall Task Force meeting, as well as more information on the Spring meeting, can be found at <http://www.cni.org>.

—Louise Ann Fisch, Coordinator of Communications

STATISTICS & MEASUREMENT

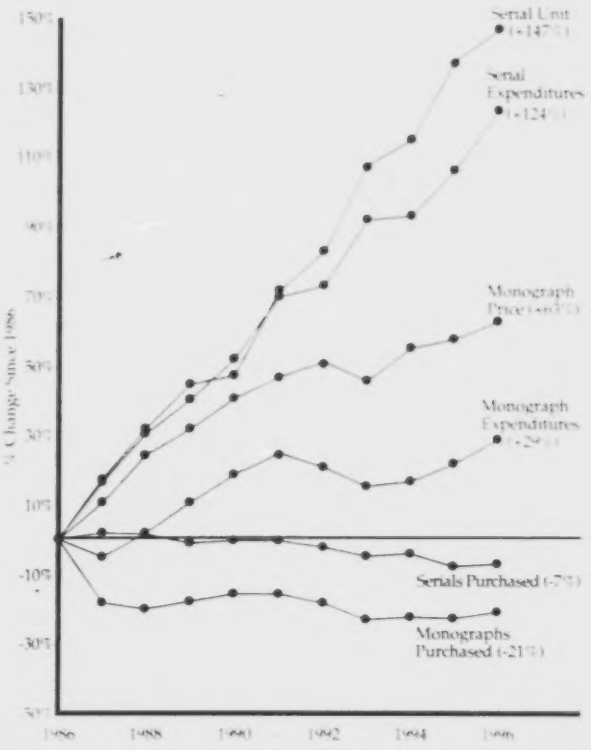
Julia C. Blixrud, Senior Program Officer

ARL LIBRARIES' PURCHASING POWER CONTINUES TO DECLINE

Data from the recently published *ARL Statistics, 1995-96* show that while ARL libraries more than doubled expenditures for serials from 1986 to 1996, they purchased 7% fewer serials. During the last decade, libraries shifted expenditures for monographs to meet some of the demands of increasing serial prices, thereby reducing the number of monographs purchased by 21%. At the same time, the unit price for monographs increased by 63%. As the table shows, since 1986, the annual average increase for the serial unit price has been 9.5%; the annual average monograph unit price increase is 5%. Both are higher than general inflation trends in North America during the same period. As the graph illustrates, although ARL libraries are spending more, they are not keeping up with serial and monograph costs.

ARL Statistics, 1995-96, presents data on a wide range of topics, including collection size and growth, materials and operating expenditures, staffing levels, and library services. The 120 page book is available for $71 ($41 ARL members). Contact the ARL Publications Department <pubs@cni.org> or see <http://arl.cni.org/stats/Statistics/stat.html> for more information.

MONOGRAPH AND SERIAL COSTS IN ARL LIBRARIES, 1986-1996



Source: *ARL Statistics, 1995-96*

MONOGRAPH AND SERIAL COSTS IN ARL LIBRARIES, 1986-1996
MEDIAN VALUES FOR TIME-SERIES TRENDS

Year	Serial Unit Price	Serial Expenditures	Monograph Unit Price	Monograph Expenditures	Serials Purchased	Monographs Purchased
(No. of Libraries)	(43)	(103)	(63)	(99)	(43)	(63)
1986	$88.81	$1,517,724	$28.65	$1,120,645	16,198	33,210
1987	$104.30	$1,770,567	$31.76	$1,064,484	16,518	27,214
1988	$117.25	$1,979,604	$35.63	$1,141,226	16,443	26,541
1989	$128.47	$2,130,162	$37.74	$1,241,133	16,015	27,268
1990	$130.85	$2,304,744	$40.26	$1,330,747	16,182	27,669
1991	$152.43	$2,578,309	$42.04	$1,400,738	16,149	28,027
1992	$162.72	$2,630,827	$43.31	$1,353,865	15,846	27,158
1993	$184.71	$2,919,756	$41.78	$1,295,807	15,463	25,583
1994	$191.13	$2,932,091	$44.51	$1,309,807	15,583	25,803
1995	$211.29	$3,133,885	$45.27	$1,365,575	14,942	25,719
1996	$219.46	$3,393,307	$46.73	$1,444,015	15,069	26,262
Annual average percent change	9.5%	8.4%	5.0%	2.6%	-0.7%	-2.3%

Source: *ARL Statistics, 1995-96*

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DeEtta Jones, Diversity Program Officer

ALA Defines Important New Strategy to Increase Minorities in Library Profession

The 1997 American Library Association (ALA) Midwinter Conference was the official unveiling of ALA Executive Director Elizabeth Martinez's Spectrum Initiative proposal. The proposal was shared and discussed widely at the Midwinter Conference. The initiative addresses "the under-representation of critically needed minority librarians within the profession" by proposing that five graduate library education schools create a consortium in an effort to graduate 150 racially diverse librarians in three years. Each school would receive incentive money to be used for scholarships and enrichment activities.

The Spectrum Initiative proposal highlights the disproportionately low numbers of racially diverse individuals graduating from library and information science schools and concludes that *the library profession as a whole is losing ground in recruiting and educating minorities to library and information science professions while the ethnic make-up of the U.S. continues to change.*

The proposal also cites a recent study by Kathleen de la Pena McCook, University of South Florida and Chair of the ALISE Recruitment Committee, that finds that the 1994/95 academic year graduation rates for ethnic minorities were: African American 4.21%, Asian Pacific 3.37%, Latino/Hispanic 2.12%, and Native American .16%.

This most recent of ALA's steps to address racial diversity in the profession is a welcome and positive development for all libraries. ARL's own Diversity Program is founded on the belief that only by adding different perspectives and talents to the research library profession, will such libraries continue to be the vibrant and evolving institutions needed for the increasingly diverse communities of the 21st century. In spite of significant programmatic efforts by many library organizations and associations, including ARL and ALA, and a heightened awareness of the issues associated with diversity and minority recruitment, survey results compiled by the ARL Statistics and Measurement Program reflect continuing low numbers of minority professionals represented in ARL libraries. According to the *1996-97 ARL Annual Salary Survey*, 11.3% of professional librarians in ARL institutions are U.S. racial minorities (853 of 7,561 total). Of that 11.3%, 46% are Asian American, 32.7% are African American, 19.2% are Hispanic, and 2.1% are Native American.

ARL is committed to a diversity program that includes the pursuit of strategies for recruitment and retention and is highly supportive of all efforts to increase minority representation in libraries. The ALA Spectrum Initiative is a very significant new effort, deserving of support by libraries of all types as a mechanism that will have a substantive impact on the number of minorities prepared to enter the library and information science profession. More racial minority librarians in the workforce help all personnel become more attuned to issues of diversity, thus broadening the spectrum of knowledge and improving the quality of service to all communities. While the ALA Spectrum Initiative is not focused specifically on research libraries, the availability of trained and qualified professionals will inevitably benefit ARL institutions.

In February, the ALA Executive Board approved the Spectrum Initiative in principle; implementation plans will be developed in the months to come. ARL has communicated its support and congratulations on this action to the ALA leadership and will keep the research library community informed as further information on the program becomes available.

Affirmative Action Program Scheduled

The ARL Diversity Program is offering a one-day program on affirmative action on Monday, May 12, 1997, in Albuquerque, NM. The program, *Affirmative Action: Implications for Higher Education*, will be facilitated by Gloria DeSole, Senior Advisor to the President for Employment Planning and Director of Affirmative Action, SUNY Albany and DeEtta Jones, ARL Program Officer for Diversity. The program will address strategies for recruiting a diverse workforce to libraries and universities in light of legal challenges to some affirmative action practices. It is also an opportunity to highlight successful library affirmative action programs. The intended audience for the program is library and university staff who participate on search committees or who have other responsibilities for recruitment. For registration information, please contact Marianne Seales, Program Assistant <marianne@cni.org>.

E-List Established for ARL Diversity Contacts

The ARL Diversity Program has established an electronic discussion list for diversity contact persons in ARL libraries. The list serves as a forum to generate discussion and disseminate information directly to key people in research libraries with responsibility for diversity issues. ARL member libraries not yet represented on the list should contact Marianne Seales, Program Assistant <marianne@cni.org> with your name, institution, and email address.

ARL Activities

G. Jaia Barrett, Deputy Executive Director

Ohio State's Trisha L. Davis Named Visiting Program Officer

Trisha L. Davis, Assistant Professor and Head, Continuation Acquisition Division, Ohio State University Libraries, was appointed Visiting Program Officer to collaborate with ARL's Office of Scholary Communication to design a licensing workshop and produce supporting written materials. The workshop is intended to provide librarians with a hands-on orientation to reviewing and negotiating licenses. Ms. Davis is chair of the ALCTS Publisher/Vendor Library Relations Committee and its Subcommittee on Electronic Publishing License Agreements. She has presented papers and given workshops on electronic publishing and regularly consults with libraries and businesses on projects related to the licensing of electronic products. Ms. Davis will work with Mary Case, Director of ARL's Office of Scholarly Communication, from May to December 1997 on a part-time basis.

ARL Publishes Booklet for License Negotiators

ARL has published a booklet designed to assist academic and research librarians in becoming more effective license negotiators on behalf of their institutions and users. *Licensing Electronic Resources: Strategic and Practical Considerations for Signing Electronic Information Delivery Agreements* was prepared by Patricia Brennan, ARL Information Services Coordinator, Karen Hersey, Intellectual Property Counsel at Massachusetts Institute of Technology, and Georgia Harper, Office of the General Counsel for the University of Texas System.

The authors present a general overview of the strategic and practical questions that academic and research library license negotiators should consider before entering into any formal agreement. They also provide a checklist of the educational, library, and fair uses permitted under copyright law and new conditions that may be introduced by the terms of a license.

The 23 page booklet promotes a team approach to license review and is designed and priced to encourage librarians to use it with members of their campus communities involved in the review and negotiation process. Individual copies are $10; 2-5 copies are $8 each; and 6 or more copies are $5 each. Prices include shipping and handling. Contact the ARL Publications Department <pubs@cni.org> for more information. An electronic version of the booklet is available on the WWW <http://arl.cni.org/scomm/licbooklet.html>.

ARL Career Resources WWW Page Expanded

The ARL Career Resources Page on the WWW is averaging 4000 hits per month. It offers broad distribution of library-related vacancy announcements and was recently cited as a "jewel for job-hunting librarians."

Until now, the service has been open to ARL members libraries only. However, in order to offer the most current and comprehensive information about job opportunities throughout the library and information science profession, ARL is opening this service to non-members.

This is an exciting, cost-effective on-line service for spreading the word about job opportunities in the field of librarianship. Anyone can view the announcements, no password or registration is necessary. Vacancy announcements are posted on the WWW at <http://arl.cni.org/careers/vacancy.html> for 45 days (or longer if specially requested). ARL provides a "fill in the blanks" electronic form for easy submission.

This service is offered to member libraries at no charge. To discuss rates for non-members, for more information about this service, or if you have several openings and are interested in a multiple listing discount, please send a message to Allyn Fitzgerald <allyn@cni.org> or call 202-296-2296.

NEH Grant for New York State Newspapers

The National Endowment for the Humanities awarded the New York State Library a grant to support the cataloging of approximately 6,500 newspaper titles and preservation microfilming of 200,000 pages of newsprint. The editor apologies for an error reported about this grant in *ARL* #188.

Presidential Appointments

High Performance Computing and Communications, Information Technology, and the Next Generation Internet: President Clinton announced his intentions to appoint 19 members to an advisory committee to provide guidance on all areas of high performance computing, communications and information technologies. At its first meeting, expected in late February, the Advisory Committee will be asked to provide guidance on the Next Generation Internet Initiative announced by the President last October.

Members of the committee include: University of Washington Director of Health Sciences Libraries and Information Center **Sherrilynne S. Fuller;** Simmons College Professor in the Graduate School of Library and Information Science **Ching-Chih Chen**; and MCI Communications Senior Vice President of Internet Architecture and Engineering **Vinton Cerf**.

TRANSITIONS

Boston Public: Bernard A. Margolis was appointed President effective March 10, 1997. He is currently Director, Pikes Peak Library District, headquartered in Colorado Springs. Arthur Curley continues in his role as Director Emeritus.

UC, Irvine: University Librarian Joanne Euster has announced that she will retire effective September 1, 1997.

Houston: Dana Rooks was named Dean of Libraries, effective January 2, 1997. Since 1983, she served as Assistant Director for Public Services and Administration and as co-Principal Investigator for the TexShare Project from 1994-96. Former Dean Robin Downs begins a new assignment as University Librarian to develop plans for expansion of the library building and to focus on information policy issues.

Michigan State: The MSU Board of Trustees announced the appointment of Clifford H. Haka as Director of Libraries effective February 15, 1997. He served as the Assistant Director for Administrative Services at MSU and has held a variety of other positions there since 1982.

New York State Research Library: Lee Stanton was named Interim Director effective February 24, 1997. He has served as Principal Librarian for Reference Services since 1985. He succeeds GladysAnn Wells, who left to become Director of the Arizona Department of Library, Archives, and Public Records.

ARL/CNI Staff Transitions

ARL: Glen Zimmerman began an appointment as Senior Program Officer for ARL effective January 13, 1997. He will work on a temporary and part time basis to support the recently funded Global Resources Program and to assist the Office of Scholarly Communication. He retired from the Library of Congress January 4 after a 26 year career which included service as Associate Librarian of Congress for Management. Most recently, he was director of Acquisitions and Support Services and co-chair of the Library's Electronic Library Services Steering Group.

Coalition for Networked Information: Gerry Bernbom, Associate Director of Information Technologies, Indiana University, joined CNI as a Visiting Program Officer on February 1. Gerry, who has been active in various CNI projects, will coordinate CNI's Institution-wide Information Systems Project, the Working Together retreat, and participate in planning Task Force meetings.

Other Transitions

American Association of University Presses: Peter Grenquist announced his plans to retire as Executive Director of AAUP, effective summer 1997.

American Council of Learned Societies: On February 20, John D'Arms was named the next President of ACLS effective September 1, 1997. He is Professor of the Humanities, Professor of Classical Studies, and Professor of History at the University of Michigan. In 1993-94, while serving as Michigan's Vice Provost and Dean of the Graduate School, he chaired the AAU Research Libraries Task Force on Acquisition and Distribution of Foreign Language and Area Studies Materials, a study undertaken in collaboration with ARL that laid the foundation for the AAU/ARL Global Resources Program. He succeeds Stanley N. Katz, who became president of ACLS in July 1986.

In December, Douglas Bennett announced his decision to resign as Vice President of ACLS to assume the Presidency of Earlham College, effective July 1997.

Association of American Publishers: Pat Schroeder, former Democratic Member of Congress from Colorado, was named President/CEO effective June 1, following her teaching commitment at Princeton University.

Carnegie Corporation: Vartan Gregorian, President of Brown University for the last 8 years, was named President of the Carnegie Corporation effective next summer. He was previously President of the New York Public Library.

Commission on Preservation and Access, Council on Library Resources: James Morris was named Vice President, effective January 2, 1997. Previously, he served as Director of the Division of Historical, Cultural, and Literary Studies at the Woodrow Wilson Center and Associate Editor of the *Wilson Quarterly*. Prior to that, he served as secretary and program officer for higher education of The Andrew W. Mellon Foundation.

IN MEMORIA

Henry Barschall, 1916 - 1997

Henry Barschall, a nuclear physicist who carried out early experiments with neutrons, helped develop the atomic bomb in World War II, then saw his laboratory destroyed by a bomb during the Vietnam War era, died February 4, 1997 at his home in Madison, Wis. He was 81. In May 1990, ARL honored Dr. Barschall for his work in analyzing the cost-effectiveness of journals. He is survived by his wife, Eleanor; a son, Peter Barschall, of Gloucester, Mass.; and a daughter, Anne E. Barschall of Tarrytown, N.Y.

John Laucus, 1933 - 1997

John Laucus died February 25, 1997 of injuries sustained in an accident last October. John was University Librarian at Boston University for 28 years and a founding director of the Boston Library Consortium. He served with distinction on the ARL Committee on the Preservation of Research Library Materials and the Committee on Research Collections. He is survived by his wife, Carol. Contributions in memory of John may be sent to the Laucus Memorial Fund, Boston University Mugar Library, 771 Commonwealth Ave., Boston, MA 02215.

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March 31	ARL Workshop Conducting User Surveys Irvine, CA
April 1-2	Coalition for Networked Information Task Force Washington, DC
April 10-11	ARL Workshop Copyright in the Digital Age Nashville, TN
April 11	ARL Workshop Conducting User Surveys Nashville, TN
April 11-14	ACRL National Conference Nashville, TN
May 12	ARL Program Affirmative Action: Implications for Higher Education Albuquerque, NM
May 13-16	**ARL Board and Membership Meeting Albuquerque, NM**
June 26-July 3	American Library Association San Francisco, CA
July 28-29	**ARL Board Meeting Washington, DC**
October 14-17	**ARL Board and Membership Meeting Washington, DC**
October 26-27	Coalition for Networked Information Task Force Minneapolis, MN

CRL-ARL-LC SYMPOSIUM ON ACCESS TO AND PRESERVATION OF GLOBAL NEWSPAPERS

May 27-28, 1997
Washington, DC

A symposium to design a course of action that will guarantee acquisition of and access to international newspapers. For information and registration, contact:

Linda Naru
Director of Member Services
Center for Research Libraries
773-955-4545, ext. 318
<naru@crlmail.uchicago.edu>

ARL

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Current Issues

THE LATIN AMERICANIST RESEARCH RESOURCES PROJECT: A NEW DIRECTION FOR MONOGRAPHIC COOPERATION?

by Dan Hazen, Librarian for Latin America, Spain, and Portugal, Widener Library, Harvard University

Some 35 of the nation's premier Latin American collections have for the past several years worked together in the Latin Americanist Research Resources Project, an endeavor sponsored jointly by the Association of American Universities, the Association of Research Libraries, and the Seminar on the Acquisition of Latin American Library Materials. The effort had its origins in the common concern of scholars, librarians, and academic administrators to ensure the continued availability of international resources in North American libraries as acquisition funds became ever more constrained. Library budgets had for some time been under pressure, and foreign acquisitions appeared particularly vulnerable to cutbacks.

From the first, the Project's goals were thus cast along the twin (and not obviously compatible) dimensions of strengthened coverage of foreign publications and minimized costs. The Latin Americanist Project's highly visible institutional sponsors, the tangible support provided by The Andrew W. Mellon Foundation, and significant contributions from each participating library all attest to the broad constituency that continues to share these objectives.

Background and Goals

The Latin Americanist endeavor began early in 1995, with three pilot efforts that focused on serials, government documents, and the publications of non-governmental organizations. With these measures fairly well in place, and with a deepening understanding of cooperative costs and benefits, the project has recently moved toward activities that may have a more forceful impact on participants' budgets and collections. A joint effort to improve our coverage of the region's monographic output has thus become a central concern.

Preliminary studies to the Latin Americanist Project's "pilot" phase suggested an emerging monographic collecting pattern for non-core materials that combined unnecessary duplication with disquieting gaps.[1] Ever-tighter acquisitions budgets, the region's expanding publishing output, and spiraling prices suggested that the situation would worsen with time. Thus, the prospect was at best a stable roster of libraries sustaining basic Latin American core collections, along with a shrinking group of institutions constructing increasingly duplicative collections of more esoteric publications. The obvious yet unhappy result would be an ever-weaker resource base for Latin American Studies.

The monographic component of the Latin Americanist Project has therefore sought to structure a cooperative program that builds on existing efforts to ensure strong, distributed collections. This also recognizes the long history of cooperative initiatives that have fallen short of expectations. Many in the library community are by now deeply skeptical of cooperation, and any new program must address the aspects that have proven problematic in the past.

The Terms of Participation

The Latin Americanist Project calls for each participating library to re-direct seven percent of its monographic allocation for materials from Latin America toward a specific, pre-arranged collecting area. Each library's project acquisitions will thus be funded by its previous base amount for the target area, plus an

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additional seven percent of its Latin American monographic budget. Acquisitions can focus on a country, a group of countries, a subject area, or a subject area from a particular country. Libraries received their collecting assignments by first listing (in priority order) no more than three areas upon which they might focus. These choices were posted to the group as a whole, along with the amount that each library will spend on its proposed target area. A process of voluntary, participant-driven fine-tuning ensued. Early results indicate that each library has been able to retain a high-priority assignment within a minimally duplicative collecting grid.

Participants are free to manage the seven percent reallocations through whatever shifts most readily accommodate local programs and demand. All participants are also expected and encouraged to maintain their core collections, since the project focuses on publications likely to receive only occasional use. Each library can acquire materials from its target area as it best sees fit: firm orders, approval plans, collecting agents, expanded exchanges, buying trips, or other strategies. Intensified purchases will normally predominate, though complementary efforts will often be needed as well. Flexible start-up dates recognize participants' different fiscal years, acquisitions arrangements, and decision-making processes.

Participating libraries are expected to keep basic statistics on the amounts they spend for project materials and on the number of project titles they order and receive. Timely (though not necessarily "rush") bibliographic control is required, preferably through catalog records provided to one of the major bibliographic utilities. Most project materials—except those items too fragile, valuable, or heavily consulted to send off-site—are expected to be available through interlibrary loan. These conditions should allow us to monitor the project, evaluate its results, and ensure broad access to project holdings.

Changing Contexts and the Context for Change

The terms for the monographic project combine some prescription with as much flexibility as possible. The project also relies on some fundamental characteristics of today's library infrastructure. First and foremost, automated bibliographic control is by now almost universal. Arrangements to build distributed collections can thus be based upon and evaluated with solid knowledge of the specific titles held at other institutions, rather than the inevitably fuzzy statements of collecting intentions that have prevailed in the past.

A second feature of today's library derives from some of the benefits of automated bibliographic control. We now generally accept that none of our libraries can acquire everything its users may need. Ensuring access to outside resources is thus a central concern. The project itself addresses the obvious requirement that any given item must be held at some library before another institution can rely on remote access instead of local acquisition.

A second element centers on the logistics of loans, and is best manifested in the continuing efforts to make interlibrary loan and document delivery cheaper and more reliable. As interlibrary loan costs are driven down, price calculations for the balance between access and ownership will tilt more and more toward the former.

The effects of automated bibliographic control and efficient ILL and document delivery should be similar across almost all collections and libraries. The Latin American monographic effort, however, enjoys two special advantages. First, this project draws upon the Latin Americanist library community's long and strongly cooperative history. The familiarity and trust achieved through years of meeting and working together have created a solid foundation for our experiments.

Second, and in part flowing from this collaborative past, the Latin Americanist endeavor has been able to enlist a critical mass of participants. Financial contributions and outside support have been equally important. Organizing a complex, multi-institutional endeavor is time-consuming and expensive, and the initial pay-offs can be small. A fully engaged community is crucial to overcoming both administrative and financial hurdles.

Exorcising the Past

Cooperative collection development commonly brings to mind experiences like the Farmington Plan or the Research Libraries Group Conspectus. Both have been (perhaps prematurely) dismissed as failures, and both entailed fairly massive infrastructures for administration and publicity. Skepticism has become the norm. The Latin Americanist Project has taken shape in full awareness of these precedents. On one hand, and as suggested above, automated bibliographic control and improving systems for access and document delivery have shifted the technological context for cooperation in ways that now make it vastly more simple to know about and consult what is available. Other essential features, built into the project itself, focus on process, psychology, and expectations.

1. The project, first and foremost, has been constructed to guarantee benefits for each participant while at the same time helping the group as a whole. Collecting assignments are therefore intended to reinforce existing priorities within each library, and participants have as a rule requested assignments that reflect both their capabilities and their strengths. Some libraries have thus proposed fairly narrow targets while others, whose collections cover a broader range, have been more inclusive. In either case, the choices address local aspirations and concerns.

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2. While the project's goal is to improve Latin American coverage, it does not promise comprehensive acquisitions. Most requests for collecting assignments have come from libraries seeking to build on their strengths. Cornell University, for example, has for decades collected very heavily from Peru. The seven percent reallocation may allow Cornell to mount special efforts to ferret out provincial publications, documents, ephemera, and materials from non-governmental organizations, thereby edging its Peruvian acquisitions even closer to the exhaustive. Libraries signing up for such large countries as Mexico or Brazil, by contrast, are almost certainly falling well short of complete coverage. Project reallocations will strengthen their holdings, but there will still be plenty of room for growth.

Just as the project does not demand exhaustive acquisitions by its participating libraries, neither does it expect to cover every country within the region. We anticipate fewer and fewer gaps as the roster of participants continues to grow, but assignments will not be imposed simply to round out the list.

3. Wherever possible, the project encourages flexibility and voluntary compliance over regimentation or prescription. For instance, accounting systems vary drastically, and some libraries cannot track their purchases by country. Their best estimates are accepted, though improved reports are also encouraged. As with other aspects, the guiding principle is to construct a project that works for each participant, as well as for the group as a whole.

4. The project encourages regional as well as North American specialization. Regional consortia for the Northeast, the Southeast, and California have recently emerged within the Seminar on the Acquisition of Latin American Library Materials (SALALM), and others may follow. Libraries within each of these groupings are working together to improve their overall coverage. These programs buttress efforts with a national and bi-national focus. They can also give cooperation an immediate and personal meaning, for instance as bibliographers meet face-to-face to negotiate, evaluate, and clarify their arrangements

5. The monographs project has phrased its requirements in simple terms and has then been flexible in interpreting them. Each library has a great deal of latitude in deciding how it will participate. A volunteer "Working Group" provides advice on specific collecting choices and broader matters of policy. All the project's bibliographers routinely contribute to our discussions. This reflects our goals of flexibility and broad involvement. It also demonstrates the project's insistence on non-bureaucratic arrangements that carry the smallest possible amount of administrative overhead. Our monographic effort cannot cost more than it saves.[3]

Latin Americanist Research Resources Project Participating Libraries

University of Arizona
Brigham Young University
University of California - Berkeley
University of California - Los Angeles
University of California - San Diego
University of California - Santa Barbara
Center for Research Libraries
Columbia University
University of Connecticut
Cornell University
Duke University
University of Florida
Harvard University
University of Illinois at Urbana-Champaign
University of Kansas
Library of Congress
University of Miami
University of Minnesota
National Agricultural Library
University of New Mexico
New York Public Library
New York University
University of North Carolina
University of Notre Dame
University of Pennsylvania
University of Pittsburgh
Princeton University
University of Southern California
Stanford University
Syracuse University
University of Texas
University of Toronto
Tulane University
Vanderbilt University
University of Wisconsin
Yale University

As of April 1997

Evaluating Project Results

Studies conducted before the overall Project began indicated a pattern of gradually shrinking and increasingly duplicative Latin American collections. The gaps in coverage also seemed fairly consistent. While the monographic effort offers a logical response to these trends, only careful evaluation will reveal whether it actually makes a difference. Several measures will be especially important.

1. The project presumes that distributed acquisitions based on coordinated collecting assignments will strengthen overall coverage both nationally and regionally. Will this happen, or are we merely engaged in a gigantic reshuffling of our current acquisitions?

Perhaps the simplest test will entail analysis of Latin American holdings by country and by year of publication on the OCLC and RLIN bibliographic databases. If the project works as planned, an ever greater share of Latin American imprints will be held at only a small number of libraries. Several complexities will (inevitably) intervene. Past studies suggest that it can take as long as five years for Latin American acquisitions to be represented in online catalog records. Even with participants' prompt cataloging of project titles, we cannot be certain of the full

Continued

extent of North American acquisitions until several years after any given publication date.

Were book prices constant, we could expect the project's seven percent reallocations to increase the number of titles that each library receives from its target area. However, book prices shift (usually upward), and publishing output ebbs and flows. Tallies of receipts must be interpreted with care.

2. Convincing analyses of holdings and receipts will require several years and very careful interpretation. Before and after expenditure figures for each participant's target area should provide a quicker indication of both project impact and local compliance. Local accounting structures and financial systems, however, mean that some libraries will be unable to provide clearcut spending breakdowns. Time lags between orders and receipts, and the vagaries of international shipping (and therefore invoice payments), can also produce short-term distortions that are best addressed by relying on multi-year rolling averages.

3. Tallies of amounts spent and titles received will provide two quantitative measures of the project's impact. A complementary approach could focus on borrowing requests and interlibrary loan. Intensified interlibrary loan traffic might be expected as our local collections become deeper but less broad.

As before, the results will require careful interpretation. At the simplest level, it is difficult to track interlibrary loan transactions in terms of the categories (country and year of publication) that make sense for this project. Samples or case studies from a few participants may at least suggest trends. Even then, interlibrary loan traffic only reflects current demand. These figures may bear little or no relationship to the project's long-term goal of improving our overall access to little-used materials.

4. Measuring growth in coverage, reductions in duplication, expenditure trends, and patterns of interlibrary loan will suggest some of our project's tangible costs and benefits. A fuller analysis is needed to assess a broader range of costs in both the short and the long terms, as the impact of specialized acquisitions reverberates through the entire library structure. The following four examples may suggest some of the dimensions.

- Libraries owning North America's only copy of a particular title carry an uncodified but nonetheless very real responsibility to preserve that item. If the project works as planned, we will see more and more titles that are very thinly held. How will the project affect each participant's preservation costs?
- Priority cataloging for project materials, even to provide less than full records, may shift local processing balances away from copy cataloging and toward (more expensive) original work.
- Participating libraries, in volunteering for collecting assignments, are normally reinforcing their acquisitions in areas of high local interest. Strengthened holdings of these locally significant materials may simultaneously expand the library's reliance on outside collections for more peripheral areas. Interlibrary loan requests may increase, with all the associated expense.
- The pricing and profit calculations of Latin American bookdealers presume a particular balance between works purchased by many libraries and those bought by only a few. The dwindling acquisitions budgets forecast before the project began would have put pressure on vendor profits and prices. The project may accelerate the process. Its impact on prices is hard to predict.

A complete cost accounting may thus reveal project trade-offs that are not immediately apparent. Throughout the process, it will be important to recall that the project's expected benefits are not exclusively economic.

5. The project may have already had a real, albeit somewhat intangible, impact on its participants' specialist staff. One of the trends that provoked the entire effort was a seemingly inexorable decline in our Latin American coverage. The prospects pointed to dwindling collections, and also to an endangered specialization within librarianship. The project has mobilized librarians (among others) to turn the tide. An energized constituency has resulted, as manifested in a reinforced willingness to work together and new avenues for cooperation.

Specialized acquisitions also suggest that local librarians will become ever more expert in particular collecting areas and their publications, thereby (perhaps) counteracting a trend toward part-time area studies positions that blend in ever broader generalist responsibilities. Interviews and/or questionnaires may provide the best means for establishing the project's effect on bibliographers' mood, morale, and job assignments.

Moving Ahead

A final dimension of evaluation shades into speculation on whether, and how, other approaches might accomplish more, and the related aspect of how we can improve our results. A number of issues have already surfaced.

1. The monograph project has injected its demands for specialization and cooperation into a universe of Latin American collections that has evolved organically over time. Many participating libraries have sought across-the-board collections, but some were already specializing when the project began. Tulane University, for instance,

has for decades focused on Central America; the University of Florida at Gainesville emphasizes the Caribbean. In these and similar cases, libraries were fulfilling some of the expectations of a cooperative, distributed acquisition program even before the project began.

The project's response to this circumstance has taken two directions. Pre-existing specialized collections were constructed to meet local needs. In the absence of regional or national cooperative plans, these libraries have been obliged to provide general Latin American coverage while also pursuing their specialty. As our project creates a more dense network of interdependent collections, these libraries stand to benefit along with the rest of us: past specialization does not preclude current benefit.

The second response has to do with pragmatics and politics. Even as we expect positive results, the monograph project is best seen as an experiment to test whether voluntary, targeted budget reallocations can improve joint access to Latin American research materials. If would-be participants cite pre-existing specializations in order to exempt themselves from internal reallocations, then the project will have nothing to test. We have thus insisted on distinguishing between today's richly contoured map of Latin American collection strengths, and the impact that project reallocations will have in creating an even more varied map in the future.

2. A somewhat related issue involves the role of consortia as project participants. Duke University and the University of North Carolina at Chapel Hill, and the University of California at Berkeley and Stanford University, have long-standing bilateral arrangements through which libraries located close to one another are in essence building a single, broad-based Latin American collection between them. Other consortia, for example a grouping of academic libraries in New York City, have explored similar arrangements in (usually) less formal and less encompassing terms. The already mentioned regional consortia within SALALM could come to do the same.

The project has thus far addressed questions of consortia on a case-by-case basis. With bilateral consortia, the project has accommodated either independent project participation by each member library or joint participation by both members acting as one. Larger consortia have been perceived as cooperative groups that complement the project's efforts. Therefore, any of their monographic endeavors are perceived more as supplementing than as superseding the project's activities. Since our goals acknowledge specialization at regional as well as national levels, overlap should cause no problem.

3. The monographic project is based on voluntary participation by libraries that enrolled in the full AAU/ARL/SALALM Project. Almost all major Latin American collections have signed on, and the participants also include some libraries whose Latin American efforts are small. It is not yet clear whether the monographs project would have a greater impact on our aggregate holdings by limiting participation to libraries meeting some threshold of collection size or budget. The many trade-offs include the resource depth gained from broad participation versus the energy dissipated as the core group grows larger and more complex. Moreover, some research libraries whose Latin American collections are relatively small may be building more aggressively in other subjects or areas. One eventual means to recognize all potential cooperative contributions might emerge if this project's reallocation model were broadened to a wider range of collecting areas, so that all participating institutions could specialize in their strengths.

4. The monograph project is only now beginning, and the initial participants will continue to phase in their efforts throughout this first year. Thus, it will be some time before we can assess whether the model increases overall access to Latin American imprints. If seven percent reallocations have a positive effect, would larger reallocations accomplish even more? Is there a reallocation limit beyond which cooperative benefits fall off? Is there some amount that all libraries must devote to "core" acquisitions to provide materials used so frequently that the costs of borrowing would exceed those of purchase, local shelving, and circulation? Are all libraries the same in this respect? Complete cost models should provide some of the answers.

5. The Latin Americanist Project as a whole has, to date, emphasized a continuing effort to increase Latin American serials coverage through an evolving system of distributed subscription assignments, a table of contents database, and a mechanism for expedited interlibrary loan. One early conclusion is that this sort of effort, at once narrow and focused on adding value to our holdings, is expensive to coordinate and sustain. However, the monographic exercise may eventually become sufficiently large and efficient to generate cost savings and also ensure enhanced coverage. As the evaluation section's cost discussion suggests, we now lack even a conceptual basis for identifying this point. Nonetheless, there may be some level at which monographic savings could be diverted to support other cooperative efforts that carry higher intrinsic costs or that add new value.

6. The project supposes increased reliance on interlibrary loan as distributed collections become the norm. Online bibliographic databases enable users to locate specific off-site materials quickly and certainly. However, a great deal of research relies on browsing and on very brief inspections of previously identified materials

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to see whether they merit closer attention. Online catalog records work well for researchers seeking specific items. They are less effective for those attempting to become familiar with a literature or to browse some fairly large category of materials.

The project, as it redistributes and expands Latin American holdings, will force some users to substitute remote access for on-site browsing. The shift might work best if researchers enjoyed a better means to assess materials held off-site. Travel grants and other visiting arrangements can at best help only a few. Another approach might seek to enrich the information about research resources that is available online. We might, for instance, scan title pages, tables of contents, front matter, and indexes, and link these files to traditional bibliographic records. Users could use these to get a quick sense of a particular work online as a means of deciding whether to request it via interlibrary loan.

This approach would enhance the value of traditional cataloging records. It could refine user demands on interlibrary loan, enabling books to find their full external audience and helping scholars locate the materials they require. In the long run, distributed collections both allow and require improved access. Re-thinking how we provide this access will become increasingly important.

Conclusion

The Latin Americanist Research Resources Project, as it ventures into a cooperative program to create distributed monographic collections, has grappled with issues common to all cooperative endeavors. It has also addressed questions particular to this field. It is still too early to declare our monographic effort a success, and one of the project's central tenets is that we will have to adapt constantly as the program matures. The model may nonetheless suggest possibilities for other collecting fields and consortia.

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Many of these studies are mentioned in Jutta Reed-Scott, *Scholarship, Research Libraries, and Global Publishing*, (Washington, DC: Association of Research Libraries, 1996).

Each participant library has paid a $3,000 fee to help cover the Project's overhead and expenses.

Cooperation, of course, can also offer the best means to accomplish goals well beyond the capacity of any participant. These may entail entirely new costs. One eventual result of monographic cooperation might be an increased potential to address such "added value" efforts within the Latin American realm.

International Education and Library Collections

On January 23-25, the University of California at Los Angeles hosted a national policy conference on two U.S. Department of Education international education programs: Title VI of the Higher Education Act and the Fulbright-Hays program. The meeting brought together a broad spectrum of representatives from higher education institutions and related organizations, who heard presentations on a variety of topics related to international education and participated in specialized focus groups. One of these break-out sessions was dedicated to "Library and Collection Development Issues" and was co-chaired by Deborah Jakubs, Head of International and Area Studies, Perkins Library, Duke University, and Director of the AAU/ARL Global Resources Program. David Magier, Director of Area Studies, Columbia University Libraries, also served as co-chair. The presentation, *Library Collections and Access: Supporting Global Expertise*, will be published in the conference proceedings and can be found on the ARL web server <http://arl.cni.org/collect/dlj.html>.

AAU/ARL Global Resources Advisory Board Formed

The Association of American Universities and ARL formed the Advisory Board of the AAU/ARL Global Resources Program and plans are underway for an initial meeting in Summer 1997. The Board will facilitate the implementation of those Program activities already underway and assist in determining the direction of new cooperative initiatives designed to expand scholarly access to international research materials. Members are: Betty Bengtson, Director, University of Washington Libraries; Myles Brand, President, Indiana University; Marianna Choldin, Director, Mortenson Center, University of Illinois; Jonathan Cole, Provost, Columbia University; Deborah Jakubs, Duke/ARL; Stanley Katz, ACLS; Hwa-Wei Lee, Director, Ohio University Libraries; Carole Moore, Director, University of Toronto Libraries; and David Wiley, Professor, Michigan State University and Co-Chair, Council of National Resource Center Directors. For more information contact Deborah Jakubs <jakubs@acpub.duke.edu>
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COALITION FOR NETWORKED INFORMATION

Joan Lippincott, Interim Executive Director

CNI LAUNCHES PROJECT ASSESSING THE ACADEMIC NETWORKED ENVIRONMENT

CNI selected nine prestigious institutions to kick off its Assessing the Academic Networked Environment Project. Of the dozens of interested institutions that responded to CNI's call for statements of interest and experience, the following were chosen to participate: Brown University, Dartmouth College, Gettysburg College, Johns Hopkins University, King's College London, Mary Washington College, University of North Carolina-Chapel Hill, University of Washington, and Virginia Tech.

The assessment project's goal is to implement a field-test of the CNI-published handbook *Assessing the Academic Networked Environment: Strategies and Options*, by Charles McClure and Cynthia Lopata. This seminal study provides key research and tools for the higher education community focusing on the assessment of networked information resources, and the impact of these resources on teaching and learning, the provision of information, and the creation of shared knowledge.

To accomplish the project's goal, the nine participating institutions will engage in a coordinated field test of assessment measures outlined in the McClure/Lopata study. Each institution will be represented by an interdisciplinary team comprised of such departments as the library, computing center, media center, and faculty. Each team will design and implement its assessment program. These collaborative teams will then be used to promote and support future collaborations through such methods as electronic discussion lists, Websites, and more formally, project reports that will be widely disseminated.

Another of the project's main objectives is to allow teams to develop skills that will assist them in working as an institutional team. After developing familiarity with other teams, the project aims to encourage continued collaboration.

The nine teams held their first working meeting April 2 and 3 in conjunction with CNI's Spring Task Force Meeting. "The meeting, which was an orientation for members of institutional teams who will be working on the Assessment project in the coming months, was filled with lively discussion and an enthusiastic question and answer session," said CNI Interim Executive Director Joan Lippincott. The teams began to plan campus assessments of the networked aspects of such areas as: teaching and learning; information resources/library; support services; infrastructure; and campus labels.

Christopher Peebles, Dean of Academic Computing and Acting Associate Vice President, Office of Information Technologies, Indiana University, is a Visiting Fellow with CNI and is one of the project coordinators. Charles McClure, Distinguished Professor, Syracuse University, serves as an advisor to the project. Gerry Bernbom, Visiting Program Officer, CNI and Associate Director in the Office of Information Technologies at Indiana University, is the project facilitator. Joan K. Lippincott, Interim Executive Director, CNI, is also a project coordinator.

DELIVERING THE CURRICULUM AND STUDENT SERVICES IN A TECHNOLOGICALLY ENRICHED FASHION

On May 21-23, CNI and CAUSE will co-sponsor a regional conference in Newark, Delaware designed to bring together scholars, academic leaders, administrators, and information resources professionals from disparate areas of the campus to discuss the role and impact of technology on key academic programs and services. *Delivering the Curriculum and Student Services in a Technologically Enriched Fashion* will explore the possibilities and challenges created in distance education, the digital library, the student-centered learning environment, and other emerging concepts. The conference is hosted by the University of Delaware, a campus well known for its innovative application of new technologies that enhance teaching, learning, research, administration, and community service.

Among the conference and pre-conference seminars are: Working Together; Campus Business on the World Wide Web; Free Speech on the Electronic Campus; New Partnership for Faculty Technology Development; and Government Information in the Curriculum. The general sessions will feature such speakers as University of Delaware President David Roselle, discussing weaving technology into the fabric of the campus; Senior Vice Chancellor of the California State University Richard P. West, discussing information technology and the economics of higher education; and Chief Information Officer and Director, University of North Carolina at Chapel Hill Bill Graves, discussing higher education in the new millennium.

Conference fees are $225 for CNI or CAUSE members and $275 for nonmembers. Preconference seminar fees are $100 for a half-day and $150 for a full-day. The registration deadline is May 1.

A registration form is available online at <http://www.cause.org/conference/regional/r97d/r97d.html>. For further information on the conference see <http://www.cni.org> or <http://www.cause.org>.

—Louise Ann Fisch, CNI Coordinator of Communications

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OFFICE OF SCHOLARLY COMMUNICATION

Mary M. Case, Director

PROJECTIONS OF LIBRARIES' 1997 PURCHASING STRATEGIES

The results of the 1997 OSC Quick-SPEC Survey on Cutbacks in Library Materials Purchasing show that while many ARL libraries are still undertaking sizable serial cancellation projects, the projected rate of cancellations for 1997 is substantially less than last year's estimates. According to the *ARL Statistics, 1995-96*, the unit cost of serials rose only 4% between 1995 and 1996, providing some relief from the 11% increase of the year before. This moderate price rise allowed libraries to increase slightly the number of titles purchased in 1996 (about 127 titles or 1% per institution) for an 8% increase in their total serials expenditures. Preliminary reports of 1997 expenditures at increases of almost 11% and projections of price increases of 10-11% for 1998, however, are keeping the cancellation cycle going.

Serial Cancellation Rate Decreases

Sixty-four libraries responded to the OSC Quick-SPEC Survey, which was sent to ARL members in December 1996. Of the respondents, 38 (59%) indicated that they intended to cancel serials during 1997. Twenty-nine of those libraries reported a combined serial cancellation target of $5.4 million, or a per institution rate of $187,844. This rate is 21% less than last year's projected rate of $238,000 per institution, but significantly greater than the 1995 rate of $110,000. Contributing to the sharp decline in the rate this year is the decrease in the number of institutions which have set cancellation goals of $200,000 or more. For 1997, only 12 (41%) of the 29 libraries reporting monetary targets are in this category, while in 1996, 27 (64%) reported cancellation goals of $200,000 or more. Individual amounts to be canceled in 1997 range from $500 to $600,000.

Asked if they were targeting specific disciplines for cancellation, 11 of the 13 institutions that responded "yes" indicated that they were canceling in the sciences. Five of the libraries indicated that they were canceling in the social sciences. A number of the libraries that are not actually targeting a specific discipline commented again this year that even though cancellations are to occur across the board, the sciences take the greatest hits by virtue of being the largest proportion of the budget and the most expensive titles. For example, one library reported that cancellation goals of 10%, 15%, and 20% were set based on the size of the journals' fund regardless of discipline; small funds did not have to cancel. Chemistry, physics, and biochemistry, which were the largest funds and those with the greatest percentage of price increases, were asked to cut 20%, while business, engineering, mathematics, and a number of biological funds were included in the 15% category. Another library reported that while they were not targeting the sciences, they were being hit harder because "that is where electronic alternatives to paper subscriptions are available on the largest scale." A positive note in the area of the humanities came from one institution which reported that a donor has agreed to support the increases for humanities titles for two years so none of the titles has to be canceled.

Monograph Purchases Increase

There is also modest good news to report for monographs this year. Only 16 (25%) of the survey respondents reported that they were purposely trimming monographic purchases during 1997. This is down from 43 institutions in 1996 (50% of last year's respondents). Data for 1996 from the *ARL Statistics* reported only a moderate increase in the unit price of monographs (3% over 1995). As a result, the typical ARL library was able to purchase an additional 343 titles for approximately 6% more in expenditures. Despite this "good news," monographic purchases are still down 21% from 1986 purchasing levels. Specific comments from the Quick-SPEC survey respondents included the positive report from one state institution that an additional half million dollars had been allocated by the university administration solely for monographs. Another reported increases of 10% to state-funded monographic budget lines. In contrast, one library has cut monographs by about $50,000 and a second by about 20%. Libraries reported trimming monographic spending not only to support the serials funds, but also to purchase electronic resources and to subsidize document delivery.

Subsidized DD an Effective Strategy

In the area of document delivery, 36 (56%) of the libraries reported that they were using collections funds to support commercial document delivery services. The amounts reported by these institutions total $1.18 million, an average of $32,666 per institution. The amounts ranged from $700 to $80,000. Comments from respondents noted programs that completely subsidize article delivery for the academic community, to those that provide free copies of articles from canceled titles only, to those that are conducting pilot projects. One library noted: "We are surprised we have had so few requests for articles from serials we have canceled, using subsidized document delivery services. We have, for example, spent less than $300 for articles from one serial, but saved more than $6,000 by cancelling it." Two other libraries also commented that the demand for articles from canceled titles was much less than they had expected. One library noted that "document delivery costs have gone up significantly in the last 2 years," and another commented that increased expenditures in 1997

were anticipated. Despite these increases, subsidized document delivery appears to be a strategy that more and more libraries are using to trim their collections and support their community's needs.

Canceling Serials Part of the Routine

Serials cancellations continue to be a way of life for research libraries. Many who reported that they were not mounting special cancellation projects this year noted that titles would be canceled as a part of normal weeding, to enable the purchase of new titles, or to purchase alternative formats. One respondent indicated that they were already in the planning stages for a major cancellation project in 1998. Given the inevitability of the need for cancellations, one library stated that although cancellations were not being made this year, a "reserve bank" of $300,000 worth of titles had been identified in case of budget cutbacks.

It is sometimes suggested that the serials crisis would be over if libraries were given additional funding. As one respondent so aptly characterized the current state of collection management: "It is no means a given that if we were to receive additional funds, that we would use those funds to maintain or increase our subscription to print serials. In terms of responsibility to current and future users, there may be better ways to spend this money and we are asking ourselves those questions."

The OSC Quick-SPEC Survey is intended to be only a best guess of strategies a library will undertake to manage its collections budget in the coming year. This summary, as well as those of previous years' survey results, can be found on the Web at <http://arl.cni.org/scomm/prices.html>.

The National Humanities Alliance Adopts Basic Principles for Managing Intellectual Property in the Digital Environment

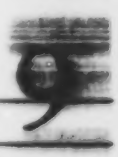
The National Humanities Alliance (NHA) has adopted a statement of "Basic Principles for Managing Intellectual Property in the Digital Environment," developed by the NHA Committee on Libraries and Intellectual Property. The document is intended to help build consensus within the educational community on mutual expectations for publisher and user behavior regarding the use of intellectual property in the digital environment. The document grew out of the NHA Board's concern with the limited progress being made by the Conference on Fair Use (CONFU) discussions hosted by the Information Infrastructure Task Force Working Group on Intellectual Property. Since the educational community encompasses such a wide range of institutions and individuals who are creators, owners, and users of intellectual property, the NHA Board believed that if it could not be done on a broader scale, there was a need for the educational community at least to come to consensus on these issues. Not only would such a consensus allow creators, publishers, and users to move forward in this environment, but it would also provide individual institutions and coalitions a common set of broad principles against which they could evaluate legislative proposals. Moreover, if it could speak in one voice, the educational community would strengthen its position in the ongoing legislative debates on intellectual property.

The NHA is seeking endorsement of these principles from other organizations. Copies of the principles will be sent to all ARL members and endorsement will be considered at the May membership meeting. Additional copies can be obtained from ARL. The document is also available on the NINCH Web site <http://www.ninch.cni.org/ISSUES/COPYRIGHT/PRINCIPLES/NHA_Complete.html>.

The National Humanities Alliance was created in 1981 to unify public interest in support of federal programs in the humanities. The Alliance is made up of scholarly and professional associations; organizations of museums, libraries, historical societies, higher education, and state humanities councils; university and independent centers for scholarship; and other organizations concerned with national humanities policies. The NHA Committee on Libraries and Intellectual Property is chaired by Duane Webster, ARL. Fourteen organizations were included in the discussions leading to the development of the principles statement. The principles are based on the "University of California Copyright Legislation and Scholarly Communication Basic Principles," Working Draft, December 2, 1996.

Scientific American Issues Special Report on the Internet

The March issue of *Scientific American* contains a special report examining "The Internet: Fulfilling the Promise." It is a series of papers by technologists who were asked to address questions on "how to organize knowledge on the network into a genuinely useful resource." The editors introduce the report with the understanding that the "creative technological solutions...proposed...may not be the approaches that are finally adopted, but the ideas will...provoke...awareness and constructive thinking about the problems." The essays address how technology could be deployed. As you might expect, matters of both policy and practice, particularly regarding the management of intellectual property, are also raised.



THEMES IN THE LITERATURE OF CHANGE

by Kathryn J. Deiss, OMS Senior Program Officer for Training & Leadership Development

A number of themes unite recent books on the topic of change: leadership requirements, individual responsibility, the soft (or affective) aspects of change, and responses to change. The books discussed below range from the reflective to the prescriptive and have varying value to people engaged in the work of organizational transformation and evolution.

Communicating for Change

In *Communicating for Change: Connecting the Workplace with the Marketplace* (San Francisco: Jossey-Bass, 1996), author Roger D'Aprix focuses on the need for alignment between the customer's demands and the changes that occur in the workplace. His book revolves around communication within and outside an organization in order to both initiate dynamic and necessary change and to manage it.

Addressing the nature of individual responsibility at all levels and tying this to the nature of a communication system that can support work to meet customer demand is the strength of D'Aprix's book. Its focus on the corporate environment does not interfere with its usefulness to other environments. In exploring reactive communication, which he believes is the most prevalent form of communication within organizations, he looks at the action/reaction/action cycle that kills morale, openness, and optimism in many organizations.

News about a reorganization conveyed by a leader via a memo is a good example of reactive communication. The language is carefully crafted and the memo scheduled to be delivered at a particular time. This type of communication results in a reaction on the part of the people to whom it is directed. They then act (resist, rebel, deny, etc.) and the leader reacts and so on...in an indefinite downward behavioral spiral. This reactive loop prevents the organization from "organizing" itself to achieve optimal results. In addition, reactive communication diffuses responsibility—in other words, reactive communication creates a "closed" system, rather than an open one in which all members of the organization take responsibility.

An important part of the book deals with aligning individual efforts with organizational goals. D'Aprix uses a simple model to elucidate empowerment, moving through six areas: job responsibilities; performance feedback; individual needs; work unit objectives/results; vision/mission/values; and empowerment. The questions he asks in each of these six areas point repeatedly to personal responsibility. His is a refreshingly clear-eyed view, and it may prove useful in explaining the concepts to those for whom empowerment has become an overused and meaningless buzzword.

Finally, D'Aprix looks at four leadership communication roles: myth teller, motivator, tone setter, and what he terms "keeper of the human climate." He provides us with an interesting parallel by using Gresham's Law of economic theory, which is basically "bad money drives out good money," as a model for a corresponding communication theory: "bad communication drives out good communication"—a deftly simple and observable concept.

The Human Side of Change

Timothy J. Galpin approaches change by a slightly different avenue in *The Human Side of Change: A Practical Guide to Reorganization Redesign* (San Francisco: Jossey-Bass, 1996). His opening emphasis on the use of teams to accomplish effective organizational change sets the tone for the remainder of the book. He describes the importance of leveraging the combined energies and talents of groups of people. He also describes how to engage these teams in thinking about change. After examining different teams and their roles, he moves to a discussion of open, two-way communication strategy versus the "grapevine." In the second section of this book, the author addresses what it takes to implement and sustain change, particularly at the "grassroots" level.

Early on, he presents us with a change management model that explains the key "soft side characteristics" of stages in the change process. According to him, much organizational energy has been spent getting a grip on change through technical, economic, and operational means. While this has been important, he argues, it is now critical that we turn our attention to the human element involved.

In spite of the emphasis on the use of teams at the beginning of this book, there seems to be a strong sense of assumed hierarchical control. Galpin spends a fair amount of time on the leader's role as coach and feedback provider. He is concerned with large-scale organizational change initiated at the top levels of the organization, e.g., reorganization. This volume will be helpful to new leaders and to organizations working with teams and/or implementing sweeping organizational change.

Breaking Free

David M. Noer is a consultant and honorary senior fellow at the Center for Creative Leadership. In his new book, *Breaking Free: A Prescription for Personal and Organizational Change* (San Francisco: Jossey-Bass, 1997), Noer gives us a model of how different people/organizations respond to change. He calls this the "R Factor." The four types in his model are: the overwhelmed, the entrenched, the BSers, and the learners.

Predictably, he believes individuals and organizations need to adopt "the learner" response to change. In the first half of *Breaking Free*, Noer, with the help of case studies, describes these four types, not only from the perspec-

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tive of the type being discussed, but also from the perspective of people working with that individual type.

In the second half, Noer applies these four types to how organizations respond to change. It is in this second half, and particularly in the last section "Learning to Learn," that Noer is most compelling. Here he brings together different learning theories. Interestingly, one of the most effective passages in the book is his "yin-yang dance of freedom," in which he provides advice to employee and employer (yin and yang) about managing the changing psychological contract between them.

The benefit of this book is his straightforward discussion of co-dependent and victim mentalities in organizations. In his view, individuals in organizations that display a learning response do not see change as happening to them so much as they see it as an opportunity to create what they wish to create. Noer's categorization may be perceived as a bit pat and there are unfortunate self-indulgent characteristics in his writing. However, there is important information embedded in the case studies and in the way he addresses leadership requirements for changing organizations. The book has several helpful appendices that serve as background to the model Noer has chosen.

Deep Change

One of this year's most provocative and important books—*Deep Change: Discovering the Leader Within* by Robert Quinn (San Francisco: Jossey-Bass, 1996)—also addresses the individual and the organization. The author is accustomed to exploring the competing values that exist in organizations: see his book *Beyond Rational Management* (San Francisco: Jossey-Bass, 1991). Competing values, he says, affect the ways we structure our organizations, deploy human energies, and manage information and newness.

In *Deep Change*, Quinn tackles the territory of change with new vigor. The intent of this book is to guide the reader into a personal exploration of deep change. It is intensely passionate and speaks from the heart, but is unstintingly tough. Quinn employs the textbook technique of putting questions at the end of each chapter. However, these are not questions to test the reader on how much she/he has learned in the preceding chapter. Rather they serve as launchers for the reflective process. Each question segment is divided into two sets: those to ask oneself personally, and those to think about in relation to one's organization. This is a very powerful technique for those who have the discipline to use the sections as intended.

Quinn's basic theory is that we have two choices in life, both personally and organizationally. We can choose slow death or we can choose deep change. The characteristics of slow death are more common than many of us would like to believe, says Quinn. Characteristics he has identified are: the pervasiveness of opting not to make deep changes; a violation of trust whereby leaders and other members of the organization "know" when change is needed and choose a path that creates "undiscussables" within the organization; lost hope and credibility in leadership and the ensuing thirst for a real vision; and burnout, a well-documented behavior in organizations that debilitates not only the individual, but also the entire organization.

Individuals and organizations can confront slow death three different ways: "peace and pay," which describes going to work, doing the minimum, collecting a paycheck, and going home—this is a common response to heightened stress levels in the workplace; "active exit," in which individuals facing a dying organization take care of themselves and seek to leave the organization; and "deep change," which describes a personal and organizational commitment to fight the stasis which organizations naturally tend toward.

The author believes that deep change is necessary for any forward motion to occur—not just to initiate change or to "cope" with change—but to choose direction and alter our intent and assumptions to move toward that direction. The acute observations in this book make the choice between slow death and deep change undeniable. Quinn's examples show us unequivocally that the choice is demanded of us as individuals and of our organizations if we are to build living, vital enterprises. He emphasizes personal responsibility to a much greater degree than the other books mentioned above. Personal choices are tied to organizational choices in a compelling way, covering fear of change, integrity of leadership, resistance, the competing roles that cause tension in ourselves and in our organizations, and the ongoing transformational cycle that we and the organizations we build continually work through.

One of the year's most thought-provoking books in the field of leadership and organizational development, *Deep Change* expands the themes of personal responsibility, competing values, and the desire for momentum in both individuals and in organizations.

OMS Institute on Leading Change

To help libraries address the issue of change in all its permutations, the ARL/OMS will be offering its newest Institute, *Leading Change* on October 8-9 in Washington, D.C. Another set of relevant workshops, *Effective Communication in Organizations* and *Effective Conflict Management in Organizations*, will be offered consecutively on May 27-28 and May 29-30. For registration information contact Christine Seebold <cseebold@cni.org> at (202) 296-8656.

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FEDERAL RELATIONS

Prudence S. Adler, Assistant Executive Director-Federal Relations and Information Policy

SUPREME COURTS HEARS CDA ORAL ARGUMENTS

The Justices of the Supreme Court heard radically different perspectives on how best to shield minors from "indecent" material on the Internet during a lively 70-minute exchange between Seth Waxman, Deputy Solicitor General of the Department of Justice and Bruce Ennis, from Jenner and Block, who represented a coalition of interests including ALA, ARL, CNI, America Online, Inc., and the Association of American Publishers. The hearing was the last step in the challenge to the Communications Decency Act (CDA), the controversial section included in the Telecommunications Act of 1996. Provisions in the law makes transmitting "indecent" materials punishable by two years in prison and a fine of $250,000.

In February 1996, immediately following passage of the CDA, the Citizens Internet Empowerment Coalition (CIEC) filed a lawsuit in Philadelphia challenging the statute. They argued that the Internet is a unique communications technology which deserves First Amendment protections at least as broad as those enjoyed by the print medium. They also contend that parents are best suited to determine how to protect minors from "indecent" materials, not the government. The suit was later joined with a related one brought by the American Civil Liberties Union (*Reno v. American Civil Liberties Union*). On June 12, the Federal Court in Philadelphia, in a 3-0 decision, granted a preliminary injunction against the CDA, setting the stage for its consideration by the Supreme Court.

Permitting additional time for arguments—a sign of the importance of the issue—allowed the Justices to hear a range of issues including the availability of screening technologies, potential liability of parents and non-profit institutions such as libraries, the concept of public space, and international concerns. Whereas the government contended that the Internet, "threatens to give every child a free pass to every adult bookstore and video store," Ennis argued that the CDA would, in effect, chill constitutionally protected speech of adults on the Internet and that the network cannot be subject to restrictions which apply to other media, such as radio and television.

Of keen interest to the Court was the issue of liability of parents, institutions, and students under this law. Justice Breyer asked whether teenage boys who exchange e-mails about their "sexual experiences" would be criminals? "Do you suddenly make large numbers of high school students across the country guilty of a Federal offense?"

Similar concerns were voiced by Justices O'Connor and Kennedy regarding libraries and not-for-profit institutions. Other Justices, in particular Justice Souter, were concerned with the implications for parents in making a computer available to their children. Waxman conceded that the CDA could indeed make parents liable, but argued that the Court could consider an exemption for parents. Justice Souter's response indicated skepticism with this approach. "That would be grabbing a limitation out of thin air," he explained. Clearly libraries and not-for-profit institutions would require similar exemptions.

Also of interest was the exchange between the lawyers and the Justices regarding how to characterize the Internet. Justice O'Connor commented that the Internet could be viewed as a "public place because anyone can get online and have a conversation. It is much like a street corner or park." Finally, Ennis noted that as much as 40% of the "indecent" material found on the Internet was available via international sources, defeating any legal regimes proposed domestically. Justice Kennedy was not convinced by this critique, noting that the U.S. could take a leadership position on this issue.

A decision from the Court is expected in June or July. Additional information, including the full text of the oral argument and related information is available at <http://www.ciec.org> and <http://www.aclu.org/issues/cyber/trial/sctran.html>.

SUI GENERIS DATABASE DRAFT TREATY UPDATE

The World Intellectual Property Organization (WIPO) did not take further action on the draft "Treaty on Intellectual Property in Respect of Databases." On March 20-21, members of WIPO met only to exchange information regarding the proposal. They did not convene a committee of experts nor schedule additional discussions. It is anticipated that additional information exchange will occur in a WIPO meeting in September 1997.

Prior to the March meeting, Bruce Lehman, Commissioner of Patents and Trademarks, sent a letter to the Director General of WIPO signaling the need to slow down the consideration of a draft database treaty. The letter noted that, "while we remain committed to continuing this process (setting out proposed schedules for further work on the protection of audiovisual performers and database protection), the procedures that you have proposed... are not acceptable to the United States." He further noted that meetings of a committee of experts should not occur until "member countries have had the chance to evaluate the results of the Diplomatic Conference and conduct further consultations on the national level." Michael Kepplinger of the PTO and Shira Perlmutter, Copyright Office, represented the U.S. at the March meeting.

DIVERSITY

DeEtta Jones, Diversity Program Officer

A PRACTICAL GUIDE TO EEO AND AFFIRMATIVE ACTION IN LIBRARIES

The ARL Diversity Program has taken several calls from library staff asking for clearly defined affirmative action (AA) language, examples of solid programs, and an explanation of the difference between an affirmative action program and equal employment opportunity (EEO) practices. While the most prudent advice is to consult the institution's legal advisors, some of the recurring questions encountered can be answered in lay terms, providing a framework of information.

An affirmative action program is a set of specific and result-oriented procedures designed to achieve prompt and full utilization of racial and ethnic minorities, women, and people with disabilities at all levels and segments of the work force. This language is good for practical application in library programs because it not only focuses on external search processes, but on internal training and promotion strategies as well.

Affirmative action strives for racial and gender diversity via the creation of statistically-based admissions and hiring goals. Legal parameters for AA goals are not required by law, but can be court imposed, mandated by Executive Order, or complied with voluntarily on the part of the institution.

Groups targeted by affirmative action include: African Americans, Asian Americans, Hispanic people, Native Americans, women, and people with disabilities. People with disabilities are included in affirmative action programs as a matter of practice via the Americans With Disabilities Act of 1992, rather than the original executive order language. Vietnam Era veterans are included in original affirmative action language, but current statistical measurements do not typically identify this group based upon appropriate utilization per availability. These protected class distinctions illustrate the confusion in creating and implementing AA programs.

Affirmative action is different—and more narrowly prescribed—than Equal Employment Opportunity. EEO protected categories include race, color, religion, sex, and national origin. Non-discrimination based on any of the aforementioned group membership is required by law. EEO guidelines include goals that address the creation of diversity and compliance with non-discriminatory practices. These goals may be statistically oriented (class action, systemic discrimination) and risk management oriented. Overall, EEO seeks to resolve issues at the most fundamental levels of an organization's personnel processes. The difference between the two may be described as neutral, non-discriminatory activity (EEO) versus a proactive shift in activity (AA).

For institutions interested in obtaining more information about affirmative action programs, the ARL Diversity Program is sponsoring a one-day workshop on May 12 in Albuquerque, New Mexico. A SPEC Kit of current library and higher education programs is also forthcoming.

THE ARL DIVERSITY PROGRAM 1997 SEMINAR AND WORKSHOP SCHEDULE

Affirmative Action: Current Implications for Higher Education

May 12, Albuquerque, NM

Few issues are as hotly debated or as ambiguously defined as affirmative action. This program presents an historical overview of affirmative action as a basis for understanding the current debate about its implications. Presenters also describe language for the various components of affirmative action legislation and explore current practices for recruiting a diverse workforce in higher education.

ARL MEMBERS: $250 NONMEMBERS: $275

Cross-Cultural Communication Skills

June 24-25, San Francisco, CA
October 9-10, Washington, DC

Clear and effective communication skills are key for productive internal relations and customer satisfaction. This program uses presentations, experiential learning activities, and group interaction to explore "culture general" as well as "culture specific" content and issues. Participants begin to develop the skills needed to communicate across cultures, such as: engaging in dialogue rather than debate, effective listening skills, and cross-cultural conflict resolution. Resource notebooks are provided.

ARL MEMBERS: $300 NONMEMBERS: $325

Fostering a Climate for Diversity

September 4-5, Washington, DC

While recruitment of a diverse workforce is a priority for many organizations, the development of creative retention mechanisms is crucial for libraries investing in the creation of a more efficient and responsive workplace. This seminar defines the qualities—encouraging holistic professional development and assessing leadership skills across cultures—of such a workplace and explores strategies for tapping into the full potential of current human resources.

ARL MEMBERS: $300 NONMEMBERS: $325

Organizational Cultures: An Exploration

July 10-11, Chicago, IL
November 13-14, Washington, DC

This program is designed for institutional teams (limit 6 persons). Working together with other institutional teams, participants explore the elements of their current institutional cultures as they relate to the future needs and demands of their organizations and their customers. Teams have the opportunity to plan and develop both incremental and dramatic changes to the culture in their institution. Data and context are based on current forecasts of the future workplace, as well as the future customer, and are provided as springboards to this important work.

$1000 PER INSTITUTIONAL TEAM

For more information please contact Marianne Scales, ARL Program Assistant <marianne@cni.org> at 202-296-2296.

STATISTICS & MEASUREMENT

Julia C. Blixrud, Senior Program Officer

SERVQUAL: MEASURING SERVICE QUALITY IN ACADEMIC LIBRARIES

by Danuta A. Nitecki, Associate University Librarian, Yale University Library

The traditional orientation of measuring the quality of an academic library in quantifiable terms of its collection and use no longer offers attainable goals; nor does it adequately address the campus community's demands for information. New ways to conceive of and measure quality in libraries are needed—and alternate approaches emerge in the business sector where organizations are increasingly evaluated in terms of their service quality.

The primary focus of a library is service, and service quality is the most studied topic in marketing research during the past decade. A repeated theme in the marketing literature is that service quality, as perceived by consumers, is a function of what customers expect and how well the firm performs in providing the service.

Among the most popular assessments tools of service quality is SERVQUAL, an instrument designed by the marketing research team of Berry, Parasuraman, and Zeithaml (PB&Z)[1]. Through numerous qualitative studies, they evolved a set of five dimensions which have been consistently ranked by customers to be most important for service quality, regardless of service industry. These dimensions are defined as follows:

> **Tangibles**: appearance of physical facilities, equipment, personnel, and communication materials;
> **Reliability**: ability to perform the promised service dependably and accurately;
> **Responsiveness**: willingness to help customers and provide prompt service;
> **Assurance**: knowledge and courtesy of employees and their ability to convey trust and confidence; and
> **Empathy**: the caring, individualized attention the firm provides its customers.[2]

Based on the five SERVQUAL dimensions, the researchers also developed a survey instrument to measure the gap between customers' expectation for excellence and their perception of actual service delivered. The SERVQUAL instrument helps service providers understand both customer expectations and perceptions of specific services, as well as quality improvements over time. It may also help target specific service elements requiring improvement, and training opportunities for staff. Analyzed at the item level, data drawn from application of the SERVQUAL instrument are rich with practical implications for a service manager.

Introduced in 1988, SERVQUAL has been used in replication studies in a wide range of service industries: health care, banking, appliance repair, and several other professions. It has been introduced explicitly to the library field through several empirical studies undertaken in public, special, and academic libraries, as well as through descriptive articles and conference presentations.[3]

From extensive research, PB&Z concluded that customers ranked the importance of two SERVQUAL dimensions consistently, regardless of service industry. Reliability is the most important contributor to service quality and tangibles is the least important. Within the library setting, similar patterns were found. Preliminary research on the applicability of the SERVQUAL dimensions to measure reference, interlibrary loan, and reserve services in an academic library also support these patterns. One exception may be among users of reference services where there is a possible shared importance between Reliability and Responsiveness.[4]

PB&Z's customer-based approach for conceptualizing and measuring service quality offers an alternative for defining the quality of library services. It emphasizes the service nature of libraries, in which the traditional collection-based criteria of quality may be part of, but not the entire component, of excellence. Service quality contributes to value experienced by customers. Value becomes an outcome of excellent service. The SERVQUAL instrument, modified for use in library service settings, provides an outcome measure for managers to gauge their service activities. It should not be a measure of comparison among libraries; there are no normative data nor is the instrument designed for ranking different service settings. Its usefulness to improve service management in academic libraries is only beginning to be discovered.

With encouragement from the ARL Statistics and Measurements Committee, efforts are being explored to extend research on the applicability of the SERVQUAL to both measure and manage service quality in academic libraries.

Raymond P. Fisk, Stephen W. Brown, and Mary Jo Bitner, "Tracking the Evolution of the Services Marketing Literature," *Journal of Retailing* 69 (1) (Spring 1993), 61-103.

Valarie A. Zeithaml, A. Parasuraman, and Leonard L. Berry, *Delivering Quality Service: Balancing Customer Perceptions and Expectations*. (New York: The Free Press, 1990), p. 26.

Publications describing empirical research on the application of the SERVQUAL in libraries include Susan Edwards & Mairead Browne, "Quality in Information Services: Do Users and Librarians Differ in Their Expectations?" *Library and Information Science Research* 17 (1995), 163-182; Francoise Hebert, "Service Quality: An Unobtrusive Investigation of Interlibrary Loan in Large Public Libraries in Canada," *Library and Information Science Research* 16 (1994), 3-21; Danuta A. Nitecki, "User Expectations for Quality Library Services Identified through Application of the SERVQUAL Scale in an Academic Library," in *Continuity and Transformation: The Promise of Confluence. Proceedings of the 7th Association of College and Research Libraries National Conference*, March 29-April 1, 1995, edited by Richard AmRhein (Chicago: Association of College and Research Libraries, 1995), pp. 53-66; Danuta A. Nitecki, "Changing the Concept and Measure of Service Quality in Academic Libraries," *The Journal of Academic Librarianship* (May 1996), 181-190; Marilyn D. White, "Measuring Customer Satisfaction and Quality of Service in Special Libraries" (Unpublished Final Report to Special Libraries Association, September 1994).

[4] Nitecki, "Changing the Concept."

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ARL Activities

G. Jaia Barrett, Deputy Executive Director

Recent Publications Available from ARL

Planning GIS Services in Libraries
Geographic Information Systems (GIS) represent, for many, an entirely new way of looking at information by adding a graphic, spatial dimension to problem solving. *Issues & Innovations in Geographic Information Systems* describes 20 different GIS projects currently in place and addresses key questions for those planning to implement GIS services in academic and research libraries. The OMS Systems and Procedures Exchange Center (SPEC) also offers a web-based resource center <http://arl.cni.org/transform/index.html> to allow for updating, links to related sites, and continued learning on each topic. *Transforming Libraries # 2: Issues & Innovations in Geographic Information Systems*, was also published as *SPEC Kit 219*. Single copies are available for $34 each.

Study Examines the State of Multimedia Services in Research Libraries
More than 20 years after the introduction of the videocassette player and recorder, video collections and services in academic research libraries remain uneven in size and quality. In many cases, users do not have adequate access to tens of thousands of essential resources—motion pictures, videocassettes, and optical discs.

This OMS Occasional Paper, written by Kristine Brancolini, Indiana University and Rick Provine, University of Virginia, summarizes the findings of three SPEC surveys conducted in 1990, 1993, and 1995. It provides a historical overview of how multimedia has evolved over the last five years, and takes a glimpse into the future. It specifically addresses provision of service and looks at the availability of library equipment for playing multimedia items and looks ahead at new emerging multimedia technologies. A case study of the University of Virginia Clemons Library and survey results from the 1993 and 1995 surveys are included, as well as a selected readings list. *Video Collections and Multimedia in ARL Libraries: Changing Technologies* is available for $31 ($24 for ARL members).

SPEC Examines Library Internet Training
OMS SPEC Kit 220, *Internet Training in ARL Libraries*, examines the Internet training services offered by ARL libraries. In particular, it looks at targeted clientele; frequency and focus of training sessions; and the equipment used for carrying out such high-demand instruction.

Compiled by Jon Cawthorne, University of Oregon and Richard Bleiler, University of Connecticut, this Kit contains over 150 pages of useful samples of actual training handouts, PowerPoint presentations, and course descriptions and schedules. A summary *SPEC Flyer*, survey results, and selected readings list are also included. *SPEC Flyers* are available via <http://arl.cni.org/spec/speclist.html>. *Internet Training in ARL Libraries* is available for $46 ($31 for ARL members).

To order these or other titles, contact the ARL Publications Department <pubs@cni.org>.

Transitions

Notre Dame: Maureen Gleason was named Acting Director in February 1997 on the occasion of the retirement of Robert Miller. She served previously as Deputy Director.

•••

ALISE: Sharon Rogers assumed the role of ALISE Executive Director on April 1. She previously served as Associate Vice President for Academic Affairs at George Washington University.

ARL: Kathryn Deiss was promoted to ARL/OMS Senior Program Officer for Training & Leadership Development effective April 1. The promotion recognizes her accomplishments in the development and delivery of OMS training services over the last 2 years. Laura Rounds announced her resignation as ARL/OMS Program Officer for Information Services effective June 13. Over the last 2 years, Laura has contributed to the advancement of the SPEC program and the introduction of a new publication series *Transforming Libraries*. Her efforts served to provide the Association a sound base to plan future development of these services.

Honors

Prue Adler, ARL Assistant Executive Director for Information Policy and Federal Relations, was named the 1997 recipient of the CIS/GODORT/ALA "Documents to the People" Award. The award, one of the highest honors bestowed by the ALA Government Documents Round Table, is presented annually to the individual, group, or organization that most effectively encouraged the use of documents in library service. This award was accorded Prue in recognition of her significant role in the progress being made in access to government information, especially her leadership of the ARL Geographic Information Systems (GIS) Literacy Project. The award will be presented during the ALA Annual Conference next June.

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CALENDAR 1997

May 12	ARL/Diversity: Affirmative Action: Implications for Higher Education Albuquerque, NM
May 13-16	**ARL Board and Membership Meeting** **Albuquerque, NM**
May 27-28	CRL-ARL-LC: Symposium on Access to and Preservation of Global Newspapers Washington, DC
May 27-28	ARL/OMS: Effective Communication in Organizations Washington, DC
May 29-30	ARL/OMS: Effective Conflict Management in Organizations Washington, DC
June 2-6	ARL/OMS: Library Management Skills Institute II Washington, DC
June 11-13	ARL/OMS: Facilitation Skills Institute Chicago, IL
June 24-25	ARL/Diversity: Cross-Cultural Communication Skills San Francisco, CA
June 26-July 3	American Library Association San Francisco, CA
July 10-11	ARL/Diversity: Organizational Cultures: An Exploration Chicago, IL
July 28-29	**ARL Board Meeting** **Washington, DC**
September 4-5	ARL/Diversity: Fostering a Climate for Diversity Washington, DC
October 1-2	ARL/OMS: Process Improvement Chicago, IL
October 9-10	ARL/Diversity: Cross-Cultural Communications Skills Washington, DC
October 14-17	**ARL Board and Membership Meeting** **Washington, DC**

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ARL

A BIMONTHLY NEWSLETTER OF RESEARCH LIBRARY ISSUES AND ACTIONS

192 SPECIAL COPYRIGHT ISSUE June 1997

Special Issue

COPYRIGHT AND FAIR USE IN DIGITAL ENVIRONMENTS: CHALLENGES FOR THE EDUCATIONAL COMMUNITY

Recent developments in national and international arenas of public policy debate prompt ARL to devote this newsletter to the single topic of copyright. Our goal is to promote the development of consensus within the educational community (defined broadly to include educational authors, rightsholders, and users) around the kind of practices in digital environments that are understood to represent responsible applications of copyright, especially fair use and other educational and library provisions in the law.

This issue begins with a report on the May 19th meeting of the Conference on Fair Use (CONFU), a forum established in 1994 by the Clinton Administration to write guidelines that would protect intellectual property in the development of the National Information Infrastructure. The article presents an overview of the CONFU initiative and a summary of the concerns registered by the research library community with the drafters of the guidelines that emerged during this multi-year process. This report is followed by a candid assessment of the dynamics of the recent CONFU meeting and a call to the educational community to re-group and develop its own sense of fair use in educational settings.

Responding to this renewed sense of urgency for the entire educational community to affirm fair use through practice is a report about a pledge made to encourage and facilitate such efforts—a pledge made by ARL and, as of this writing, a growing number of library and educational organizations. Illustrating the kind of activity that is encouraged throughout the educational community are articles about two developments. First is a summary of how Northwestern University successfully addressed copyright and fair use in their electronic reserve services. This is followed by a report and reprint of the *Basic Principles for Managing Intellectual Property in the Digital Environment*, a document developed by representatives of the educational community that demonstrates that it is possible to strike a balance between the needs of rightsholders and the public good.

Bringing the reader back full circle to the public policy arena are the concluding articles that describe the status of international treaty deliberations at the World Intellectual Property Organization and the expected next steps on the U.S. and Canadian legislative fronts.

We hope that this special issue of ARL's newsletter will call attention to the critical need and the opportunities for the educational community to engage directly in the development and testing of copyright policies and practices for digital environments. Within our own community lie the best prospects for identifying the balance between the interests of users and publishers that is appropriate for teaching and research.

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Continued

CONFU CONCLUDES; ARL REJECTS GUIDELINES

by Mary E. Jackson, ARL Access and Delivery Services Consultant

Since September 1994, the Conference on Fair Use (CONFU) has sought to develop guidelines for fair uses of copyrighted works by and in libraries and educational settings. Facilitated by the U.S. Patent and Trademark Office (PTO), CONFU grew to include over 100 organizations, associations, and institutions representing copyright holders and users of copyrighted materials. Early CONFU discussions identified five areas in which participants attempted to develop fair use guidelines: interlibrary loan, electronic reserves, distance learning, digital images, and educational multimedia. For background see *ARL* 178 (January 1995, p. 6) and *ARL* 186 (June 1996, p. 8).

Two of these areas—interlibrary loan and electronic reserves—were eventually dropped as it became apparent that consensus among participants was not forthcoming. Although copyright holders and users did agree that developing guidelines for digital transmission of digital documents on interlibrary loan was premature, members of the ILL working group could not reach an agreement on guidelines for digital transmission of print documents (e.g., Ariel delivery of an article from a bound journal). Thus, no new guidelines were drafted for interlibrary loan in the electronic environment.

Unlike ILL, the discussions on electronic reserves proceeded to the stage of drafting guidelines. This included a draft developed by a group of non-profit organizations after discussions with commercial copyright holders broke off. In spite of these efforts, at the November 1996 CONFU plenary session, a March 1996 draft of electronic reserves guidelines was rejected by the majority of CONFU participants because there was no general consensus that the document represented an understanding of fair use by all participants.

Discussions in the remaining three areas culminated in the presentation of final proposals for fair use guidelines for distance learning, digital images, and educational multimedia at the November 1996 meeting. Participants were asked to circulate the three proposals within their constituencies for consideration and possible endorsement. These proposals were also included in the CONFU "Interim Report to the Commissioner of Patents and Trademarks" <http://www.uspto.gov/web/offices/dcom/olia/confu>.

Organizations represented in the CONFU discussions took a variety of approaches to inform their members about the status of CONFU work and to solicit feedback on the series of proposals that emerged during the multi-year process. Within ARL, there were regular reports and opportunities for comment on the draft proposals. Based on review by the ARL membership and recommendations from the ARL Copyright Issues Working Group, the ARL Board of Directors made a series of decisions not to endorse the CONFU proposals.

As early as May 1996, the Board rejected the proposal for educational multimedia and in July of that year decided not to endorse what became the final draft of the electronic reserves guidelines. In May 1997, the Board rejected the final proposals for distance learning and digital images. Responding to the restrictive limitations that recurred in the various drafts and final proposals, the ARL Board affirmed that ARL should not endorse any copyright guidelines that do not fully protect the fair use rights of the scholarly and educational communities.

ARL Concerns with Guidelines

Three themes emerged from ARL member library comments on all of the various draft guidelines:

- the quantitative limitations and restrictions included in the proposals unduly narrow the interpretation of fair use by moving away from the four factor analysis that is specified in section 107 of the Copyright Act of 1976;
- guidelines as rigid and specific as those being proposed are premature given the rapid evolution of new technologies and the lack of experience in the areas in which proposals were being considered; and
- the proposals are technically and administratively burdensome to libraries and their institutions because they add new responsibilities and raise new liability issues.

The accompanying summary highlights ARL's specific concerns with the proposals for fair use guidelines for distance learning, digital images, and educational multimedia. Also included is ARL's statement of concerns about the electronic reserves draft. ARL's statements were forwarded to PTO for inclusion in the final report to the Commissioner and are also included on ARL's web server <http://arl.cni.org/info/frn/copy/fowler.html>.

ARL will join others in the educational and scholarly community to reinforce the principle of fair use by sharing examples of how libraries and educational institutions are responsibly incorporating new technology in library and educational environments, particularly as it applies to the issues discussed within the CONFU setting.

Proposals for Fair Use Guidelines Developed by the Conference on Fair Use: A Summary of ARL's Specific Concerns

Digital Images

The Proposal for Fair Use Guidelines for Digital Images:

- lacks balance between the rights of copyright owners and users of copyrighted digital images (e.g., the proposal appears to go to great lengths to secure the rights of owners with no corresponding assertions about the rights and needs of users, creators, or archiving agencies as they serve society);
- introduces new requirements for educational institutions to comply (e.g., the proposal introduces new responsibilities on the educational institution to research copyright status, apply for permissions, and maintain records);
- narrows fair use (e.g., the proposal cedes rights that might apply under fair use and suggests that the determination of fair use is limited by a finite period); and
- raises technical and process concerns (e.g., the proposal's specificity about network control, coupled with the process of finding the rightsholder, are overly restrictive).

Distance Learning

The Proposal for Fair Use Guidelines for Distance Learning:

- is limited to live, interactive courses, and therefore does not address the variety of teaching methods in widespread use;
- introduces new restrictions on repetitive use of copyrighted works (e.g., the proposal limits transmission of a copyrighted work to one time only and requires permission for subsequent uses);
- introduces new requirements that the institution implement technological limitations to prevent copying (e.g., the requirement to limit reception to a classroom or other site where secure reception can be controlled by the institution); and
- reflects a more limited interpretation of fair use (e.g., the proposal appears to restrict the principle of fair use).

Educational Multimedia

The Proposal for Fair Use Guidelines for Educational Multimedia:

- restricts instructional creativity and the development of in-depth multimedia applications and/or distance education initiatives by defining strict and narrow portion limitations (e.g., 10% or 3 minutes, whichever is less, of a motion media; 10% or 30 seconds, whichever is less, of music; and retention of student projects for 2 years or less);
- sets the stage for untenable precedents that may narrow the interpretation of fair use, and thus not fully protect the public's fair use rights; and
- implies that teachers and administrators are legally responsible for the activities of students.

Electronic Reserves

The March 1996 Draft Guidelines for Electronic Reserves:

- restricts access to students registered in the class (e.g., narrows current access that serves all students in the institution);
- places very restrictive technological limits on access to materials (e.g., limits access from dedicated workstations in the library);
- imposes strict limitations on the proportion of course materials included (e.g., not all course materials assigned for reserve could be included);
- imposes strict limitations on the type of material (e.g., limits materials to only supplemental readings and prohibits inclusion of required readings); and
- limits electronic access to one term (e.g., requires permission for reuse).

Note: Approximately 60 organizations participating in CONFU registered comments on one or more of the proposed guidelines. Virtually all organizations representing commercial copyright holders did not take a position on the proposals for distance learning or digital images; however, they all endorsed the educational multimedia guidelines. Many, but not all, in the higher educational and library community rejected the educational multimedia guidelines, but were quite divided in their response to the other proposals. A roster of CONFU participants and their positions on the proposals is available on the NINCH web site <http://www-ninch.cni.org/news/confu_report.html>.

Continued

CONFU CONTINUES? IS IT TIME TO RE-GROUP?

By David Green, Executive Director, National Initiative for a Networked Cultural Heritage

What in the world is CONFU (and how is it perceived around the rest of the world)? This was one of the hotly debated questions during the advertised "final meeting" of the Conference on Fair Use on May 19, 1997.

The winning answer is that CONFU is a loosely constructed framework called for in 1994 by President Clinton's Information Infrastructure Task Force Working Group on Intellectual Property Rights. CONFU is designed to enable copyright proprietors and the educational users of copyrighted material to develop guidelines for the fair use of copyrighted works in a networked environment.

CONFU was not a Congressionally-mandated body (indeed it was not a body at all), therefore its results and the forthcoming CONFU Report would certainly not have the force of law or even the status of being read into legislative history. CONFU is simply a discussion process open to all. Its Working Groups, which produced three sets of guidelines, are similarly open to any who wanted—and could afford frequent travel to DC—to attend.

So what occurred during the final meeting of this informal, non-legislative, non-binding "conference?"

1. Proposed guidelines, shared broadly among the constituencies of those represented since the previous "final meeting" of CONFU, were presented to the group as a whole with a list of participating groups, which, after two years of working together, had endorsed, rejected, or had no position on the guidelines.

Of 100 participants, only 60 registered a position on the guidelines and only 25 had commented on the Digital Images or Distance Learning Guidelines. Interestingly, the commercial proprietary community only registered comments on the Multimedia Guidelines, which were the most hotly contested. The nonprofit user community objected to the use of specific portion limitations in the fair use of copyrighted materials included in the Multimedia Guidelines. It was felt this was not in the spirit of the four fair use factors, where context and circumstance play a large part in determining whether a use is fair.

2. It was clarified that CONFU—as a mere facilitating framework—would not endorse or "adopt" any set of guidelines. The sense at the meeting was that Peter Fowler, facilitator of the process, should only include in his Report to the Commissioner of Patents and Trademarks what the resultant guidelines were, and the level and quality of support they had received.

3. It was clarified that Recommendation Number 5 of Peter Fowler's December 1996 Interim Report would be dropped. That recommendation was "That the Final Report be submitted to Congress by the Working Group on Intellectual Property Rights at an appropriate time as part of legislative history, so that it can be referenced in connection with the Copyright Act provisions on fair use."

4. It was proposed that CONFU—at least the framework—continue beyond this "final meeting" to determine if consensus could be achieved in creating generally acceptable guidelines. A date and place were reserved for another plenary meeting: May 18, 1998 at the Mumford Room at the Library of Congress. An expanded Steering Committee would be formed to guide the process and determine the tone of that meeting. In the interim, the working groups were encouraged to convene and discuss further steps, with instructions to be as inclusive as possible.

5. A Report would be published this summer. For those who had withheld their positions and statements on the guidelines, the deadline was extended to June 30, 1997.

6. The guidelines (endorsed by a minority of participants) were thus accepted as interim documents. Some advocated testing, or field use, of the guidelines so that more concrete data might be gathered on how fair, useable, or burdensome they might prove to be.

7. The Consortium of College and University Media Centers (CCUMC), chief organizer and facilitator of the Multimedia working group, maintained that the multimedia guidelines were fixed and would not be re-opened for "between 3 and 5 years." From the beginning, these guidelines were seen by many as something of a wild child. CCUMC had begun organizing guidelines before the CONFU process had started; some took issue with the purported inclusivity of the group; and the organizers had solicited the approval of members of Congress and other external groups that no other working group had sought. In the words of John Vaughn, Association of American Universities, the multimedia guidelines had been artificially reified by an unprecedented and astonishing media blitz by the proponents.

Although some were figuratively horsewhipped for suggesting that CONFU itself was confusing and brought with it much unhelpful political baggage from the IITF era, it seems clear to this writer that CONFU has been confusing to many and that its continuation or resurrection under the same name might cause further misunderstanding or misrepresentation of its authority.

Many within the nonprofit educational and cultural community are now thinking that it is time to step back and clarify what our community values are in the arena of production, management, and use of intellectual property. What are some bedrock principles that could serve the nonprofit community in the place of broadly accepted guidelines? Perhaps now is the time for the educational community to more actively engage in a national debate about principles and values for the production, manage-

ment, and use of intellectual property. Some internal discussion and agreement might be good for our collective spirit and to foster more unified collective action when we next engage the commercial proprietors.

We should perhaps also consider whether—in the context of upcoming Congressional action to ratify the WIPO Copyright Treaty and pursue further digital copyright legislation—having attempted to play fair through CONFU, it is time to reassert fair use at the legislative level.

Educational Community Renews Efforts to Explore Fair Use in the Digital Environment

A number of national organizations representing educators, scholars, librarians, and institutions that support learning and research have pledged to undertake a renewed effort to explore the appropriate parameters of fair use of copyrighted materials in the digital environment. The pledge comes in the aftermath of the May 19, 1997 meeting of the Conference on Fair Use (CONFU), at which no agreement was reached on proposals for fair use guidelines. The goal of the educational organizations in this effort is to encourage the development, use, and sharing of fair use policies and practices that provide for the special needs and concerns of education and scholarship, while also providing as much clarity as possible about the boundaries of fair use as experience and good faith permit.

Individually and collectively the organizations have agreed:

- to share experiences concerning the application of new technology in library and educational environments, fair uses made of copyrighted works, proprietors' responses to requests for permission to use copyrighted materials, and sources of helpful information regarding fair use and other privileges under copyright law;
- to participate actively in organized efforts to capture and disseminate such information;
- to assist in the development of "User Community Principles" and educator- and librarian-generated "Best Practices" concerning fair use, distance learning, and other activities supported by current copyright law;
- to work to extend the application of fair use into the digital networked environments in libraries and educational institutions by relying on it responsibly to lawfully make creative use of information;
- to resist relying on any proposed code of conduct which may substantially or artificially constrain the full and robust application of fair use; and
- to encourage member institutions to reject any licensing agreement clause that implicitly or explicitly limits or abrogates fair use or any other legally conveyed user privilege.

The organizations agreeing to this renewed effort, as of early June, include: five library associations (ARL, ALA, AALL, SLA, and MLA); four university presidential associations (AAU, ACE, AASCU, and NASULGC); and five organizations representing scholarly, educational, and cultural organizations (ACLS, NHA, NEA, NINCH, and NSBA). The number of participating organizations is expected to grow during the coming months.

Resources Available from ARL

ARL makes available myriad resources on copyright and intellectual property issues, in both print and electronic form. For more information about these and other products and services, see our Copyright and Intellectual Property page at <http://arl.cni.org/info/frn/copy/copytoc.html> and our Publications page at <http://arl.cni.org/pubscat/index.html>.

Copyright, Public Policy, and the Scholarly Community
A university librarian, a political scientist, a director of a large scholarly society, and two lawyers each engaged in shaping workable policies and practices for managing university use of copyrighted works provide their perspectives on the future of copyright in the electronic environment. Single issues are available for $7. See also <http://arl.cni.org/pubscat/pubs/copypp.html#copypp>.

Copyright and the NII: Resources for the Library and Education Community
Published in May 1996, this compilation is designed to assist librarians and educators in educating their colleagues, campus administrators, legislators, and others on efforts to update the Copyright Act for the digital age. It also outlines the potential consequences of legislation that could redefine the way librarians and educators carry out their work. Single issues are available for $41. For more information, see <http://arl.cni.org/pubscat/pubs/booklet.html>.

Intellectual Property: An Association of Research Libraries Statement of Principles Affirming the Rights and Responsibilities of the Research Library Community in the Area of Copyright
Available free via the WWW <http://arl.cni.org/scomm/copyright/principles.html>.

Report of the AAU Task Force on Intellectual Property Rights in an Electronic Environment
This 50 page report is one of three reports included in *Association of American Universities Research Libraries Project: Reports of the AAU Task Forces*. It suggests a range of opportunities for universities to develop coherent copyright policies and documents the complexity and far-reaching ramifications of such change. The entire book is available for $12. For more information see <http://arl.cni.org/aau/Frontmatter.html>.

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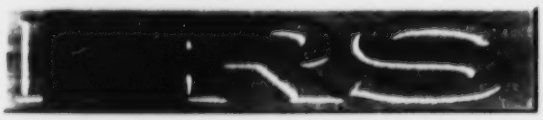
NORTHWESTERN AFFIRMS FAIR USE THROUGH PRACTICE; ELECTRONIC RESERVE POLICY, SYSTEM DEVELOPED

by Brian Nielsen, Manager, Learning Technologies Group, Academic Technologies, Northwestern University

Northwestern University developed its electronic reserve policy and system with involvement from both its library and academic computing center, leading to considerable inter-organizational communication on policy options at the same time the technical system was actually being put in place. Academic computing needed to respond to immediate needs for faculty to distribute course materials electronically, and did not initially have copyright policy development on its agenda. The library, however, saw the need to develop a coherent policy perspective from the start. The synergy between the two organizations has led to a technological implementation for electronic reserves which is simple and inexpensive. At the same time, a policy position was developed for electronic reserves that affirms the principle of fair use as an important protection for faculty members' rights to distribute material in the new environment without undue constraints.

As the library and computing center reviewed the emerging debate over copyright in the electronic realm, it became clear that an approach which affirmed through practice the fair use principle while at the same time showing respect for the legitimate interests of copyright holders was needed. Publishers have been extremely anxious about the potential loss of control that the new electronic environment threatens, and their calls for control were about to foreclose *any* uses of the Internet for delivery of copyrighted materials that the library and computing center might put in place. Putting a system in place which showed the publishers that electronic distribution of course materials could be accomplished within limits of fair use was thus seen as an important policy goal in itself. If the promise of digital libraries and the hopes within the Clinton-Gore Administration, the educational policy development community, and the Internet community were to be realized, Northwestern needed to affirm through practice that intellectual property must have a public element as well as a private one.

With that resolve, Northwestern undertook a careful review of reserve policies, in both the electronic and paper realms, to ensure that application of the four factors in Section 107 of the Copyright Law would be consistent, fair, and protective of the legitimate interests of copyright owners while at the same time not constraining rights under the law which served educational purposes. The outcome, with policy and procedures which received wide discussion within both library and computing organizations—keeping the University's general counsel well-informed—offered more effective protection for publishers in the paper realm than had been the case in years past, and gave them protection in the electronic realm as well. Northwestern has affirmed that uses of electronic files distributed over the network in a manner which satisfies the four factors are protected under the law as fair use. The University has also argued that electronic distribution of copyrighted documents offers new income opportunities for publishers interested in the higher education market, and is interested in working with publisher suppliers of documents which are distributed in ways that go beyond fair use. The electronic reserve systems which enable fair use distribution, and are immensely popular with both faculty and students, are also capable of improved record-keeping which could bring copyright holders new income streams.



Copyright and the Electronic Reserve System

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- Background information
- Some guidelines from the American Library Association
- Proposed guidelines for Northwestern University Library
- *Fair Use in the Electronic Age: Serving the Public Interest* - Draft document developed by members of various library associations
- Draft letter to publishers

More information about Northwestern's e-reserves system is available at: <http://www.library.nwu.edu/ERS/about/copyright.html>.

CALL FOR POLICY STATEMENTS

Libraries and other organizations are encouraged to keep the ARL office informed about local or consortial policies, practices, and experiences that may advance a community-wide understanding of fair use in digital environments. Send information about such policies to Patricia Brennan, ARL Program Officer <patricia@cni.org>.

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Educational Community Articulates Principles for Intellectual Property in the Digital Environment

by Mary Case, Director of the ARL Office of Scholarly Communication

At their respective meetings in May, the ACLS and the ARL Boards of Directors endorsed the National Humanities Alliance (NHA) statement of *Basic Principles for Managing Intellectual Property in the Digital Environment*. Drafted by the NHA Committee on Libraries and Intellectual Property, the document is intended to help build consensus within the educational community on mutual expectations for publisher and user behavior regarding the use of intellectual property in the digital environment.

The principles document grew out of the NHA Board's concern with the limited progress being made by the Conference on Fair Use (CONFU) discussions. They believed that if agreement could not be reached by the various groups represented at CONFU, it was important for the educational community itself to come to consensus on these issues. Not only would such a consensus allow creators, publishers, and users to move forward in the digital environment, but it would also provide individual institutions and coalitions a common set of broad principles against which to evaluate legislative proposals. Moreover, the educational community would strengthen its position in the ongoing legislative debates on intellectual property if it could speak with one voice.

The NHA is seeking broad endorsement of these principles by universities, scholarly societies, and other research and educational organizations. Individual ARL member institutions are encouraged to use the document to foster discussion of copyright-related issues on their campuses; to seek institutional endorsement of the statement; and to develop institutional policies consonant with these principles. Formal endorsements can be sent to John Hammer, Executive Director of the National Humanities Alliance, 21 Dupont Circle, NW, Washington, DC 20036, or <jhammer@cni.org>.

The National Humanities Alliance was created in 1981 to unify public interest in support of federal programs in the humanities. The Alliance is made up of scholarly and professional associations; organizations of museums, libraries, historical societies, higher education, and state humanities councils; university and independent centers for scholarship; and other organizations concerned with national humanities policies. The NHA statement is reprinted in its entirety in this newsletter. Copies of the principles will be sent to all ARL members. The document is also available on the NINCH Web site at <http://www-ninch.cni.org/issues/copyright/principles/nha_complete.html>.

National Humanities Alliance Basic Principles for Managing Intellectual Property in the Digital Environment

March 24, 1997

Preface

The following document was prepared by the Committee on Libraries and Intellectual Property of the National Humanities Alliance (NHA) in an effort to build consensus within the educational community on the uses of copyrighted works in the digital environment. While the Committee members represent primarily institutions within higher education, the Committee believes that the principles presented here apply to a broadly defined educational community encompassing many other institutions and individuals, including primary and secondary schools, independent research laboratories, faculty and students, and independent scholars. Participants in the NHA Committee's discussions are listed at the end of the document.

The Committee would like to thank the University of California System for giving us permission to use as the foundation of our work their excellent document, "University of California Copyright Legislation and Scholarly Communication Basic Principles."

Context

Introduction

The educational community encompasses a broad range of public and private institutions whose primary missions include research, education, and the preservation of our scientific and cultural heritage. In the process of carrying out their missions, these institutions, which include research universities, colleges, university presses, libraries, scholarly societies, museums, and archives, among many others, are both creators and consumers of scholarly communication. As such, these institutions participate in the full spectrum of activities regulated by the laws governing copyright and must be sensitive to the balance of interests embodied in them. While a degree of consensus has been reached concerning the rights of creators, copyright holders, and users of information in the print environment, new proposals for the copyrights of digital works are threatening to disrupt the balance between the rights of owners and public access in the electronic world.

As they revolutionize the means by which information is recorded, disseminated, accessed, and stored, digital technologies are eliminating the technical limits that have supplemented the legal framework of balance between ownership and public dissemination. Unlimited technological capacity to disseminate by transmission in ways that can violate the rights of copyright

Continued

holders confronts equally unlimited technological capacity to prevent works from being used in ways contemplated by law. Carried to its logical extreme, either trend would destroy the balance, with results that would likely undermine core educational functions as well as radically transform the information marketplace.

Scholarly communication

The educational community is heavily invested in scholarly communication. This process includes such functions as: exchange of cutting-edge discoveries and works-in-progress among scholars, scientists, curators; publication of new and synthetic works for the broad scholarly community; dissemination of new and existing knowledge to students through teaching; establishment of repositories to enable handing knowledge down from generation to generation; and transmission of knowledge beyond the educational community to the public. It requires the ability to cite and quote the work of others, regardless of format. Whereas quotations from text can be manually transcribed, quotations from digital objects may require machine mediation. Scholarly communication involves individuals, academic departments and research units, libraries, archives, university presses, museums, commercial publishers, external research sponsors, academic and industrial software developers, and others.

Because it carries information that ranges from complex graphical and sound data to plain text, and must reach an audience that ranges from Nobel scientists to freshmen in remedial courses to citizens visiting a local museum, scholarly communication must include the full range of content and take place in all media. It must flow back and forth between all of its participants and be capable of moving rapidly enough to contribute to the evolution of understanding and knowledge. It must be disseminated through an economically viable system, and it must not be overwhelmed by a permissions system so burdensome that it makes rapid movement impossible.

Scholarly communication is based on an ethic of authorship that both compels publication and condemns plagiarism. It demands accurate attribution and respect for the integrity of works while asserting the importance of evaluating and interrogating sources for the cumulative advance of knowledge. By promoting trust between authors, owners, and users, adherence to this ethic facilitates the rapid and broad dissemination of information. Educational institutions have developed organizational structures that insulate faculty, curators, and students—the core, but not the only, participants in scholarly communication—from direct dependence on economic returns from specific intellectual properties. Instead, they rely first on institutional rewards for their cumulative success in creation and dissemination. The institutions, however, function as both owners and consumers of the intellectual properties that circulate in the process of scholarly communication. As such, some of these institutions, such as museums, university presses, and scholarly societies, depend on the revenue from copyright ownership to support their educational, dissemination, and preservation missions.

The documentary record

New knowledge cannot be created without extensive reference to work already done by others and to the accumulated records of human and natural phenomena. Nor can the accumulated collective knowledge of a society be transmitted intact to succeeding generations without its preservation and organization. Libraries, museums, and archives play crucial roles as custodians of knowledge and must continue to do so in order to carry out core educational missions. Faced with an exponential increase in the rate at which documentation is growing, libraries, museums, and archives increasingly seek to exploit the unprecedented storage capacities and facility for more effective access strategies of digital media. Moreover, the increased data creation and storage capacities generate new pressures on systems for preservation, organization, and access.

Although the functionalities of digital technologies will continue to give rise to practices and relationships that bear little resemblance to those surrounding print, neither novel arrangements nor enhanced capabilities should obscure the fundamental continuity of purpose underlying preservation and organization. The requirements of the academic mission and the accumulation of a cultural heritage do not cease when information and documentation cease to have commercial value and pass out of the marketplace. Hence, relations among copyright holders, educational institutions, and the law must reflect the needs of the future as well as the present and should acknowledge the added value to society of preservation and of well-ordered systems for navigating information.

Approaches to change

During 1995 and 1996, the U.S. Congress and the World Intellectual Property Organization (WIPO) have attempted to revise intellectual property law to address issues raised by the still evolving digital environment. Domestic legislation died in subcommittee during the second session of the 104th Congress amidst contentious debate. Internationally, the WIPO treaties proved more supportive of the principle of balance between the rights of owners and the need for

public use. But the treaties must now return to the U.S. for ratification and the possible development of implementing and related legislation.

The educational community urges that changes in the law be carefully crafted to enhance rather than impede the rich and timely circulation of information as well as its preservation and organization. The educational community recognizes the difficulty of prescribing a priori practices for a digital environment in which:

- commercial, academic, and public practice is still experimental and fluid;
- works as different as software, research reports, textbooks, primary text sources, visual art, and sound recordings are included;
- a volatile set of technologies for protection, dissemination, and tracking is being developed, whose implications are often not clear; and
- a wide variety of formats and media is involved.

Working on the frontiers of technological, economic, and legal knowledge, the educational community seeks opportunities for experimentation with new institutional arrangements for managing the dissemination and preservation of knowledge contained in copyrighted and public-domain works. It also seeks a legislative and economic environment that fosters collaboration and a search for consensus rather than confrontation and litigation.

In preparation for the ongoing legislative debates on intellectual property in the digital environment, the educational community believes it necessary to develop its own consensus on a common set of broad principles which would provide standards against which coalitions and individual institutions can evaluate legislative proposals. Faced with the strong interests of the infotainment industry to maintain tight control of intellectual property in a global marketplace, the educational community may strengthen its more balanced position by speaking as one voice guided by the principles. The following principles are based on the "University of California Copyright Legislation and Scholarly Communication Basic Principles," Working Draft, December 2, 1996.

Principles

The educational community approaches pending changes in copyright and neighboring intellectual property law (e.g., *Sui Generis* Database Protection Act) with the overriding conviction that it is in the interest of the evolving U.S. information society that the legal environment foster rather than disrupt the balance between intellectual property owners and the public good that is embodied in current law.

1. Copyright law provisions for digital works should maintain a balance between the interests of creators and copyright owners and the public that is equivalent to that embodied in current statute. The existing legal balance is consonant with the educational ethic of responsible use of intellectual properties, promotes the free exchange of ideas, and protects the economic interests of copyright holders.

Intellectual property is a significant form of social capital, whose growth depends on its circulation, exploitation, and use. As a major arena in which intellectual property is created and disseminated, educational institutions have nurtured an ethic of intellectual property based on:

- respect for the rights of creators and copyright owners;
- accurate attribution and respect for integrity;
- guarantees of preservation;
- promotion of dissemination and access; and
- economic viability of the scholarly communication system.

This ethic complements the provisions of copyright law, which provide one form of protection for certain kinds of intellectual properties and a framework for their dissemination that encompasses all sectors of society, including both market and non-market transactions.

Existing copyright law recognizes the tension between the needs of society and the rights of creators by permitting a defense against charges of infringement for certain uses of copyrighted works as specified in sections 107-110 of the U.S. Copyright Act of 1976. Among these uses are: the fair use of copyrighted works for teaching, scholarship, or research, among other activities; the reproduction of copyrighted works by libraries and archives under certain conditions for specific purposes; and the performance or display of a work by instructors or pupils in the course of face-to-face instruction. Equivalent qualification of owners' rights should be extended into the digital environment with appropriate safeguards against abuse.

- These principles should be independent of particular technologies. Current statutory language embodies some of them in detailed prescriptions for specific practices in the print, tape, and broadcast environment. These are based on the print context in which the same object—a copy—is used to store, distribute, and use a work, and the simultaneous performance of more than one function (e.g., storage and distribution) requires the creation of more than one copy. In the digital environment, storage, distribution, and use are accomplished by

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algorithms instead of copies, and practices sanctioned by law in the paper environment may have significant unintended consequences. Accordingly, legislative efforts to extend print practices into the digital environment should focus on objectives rather than on strictly analogous practices.

2. Copyright law should foster the maintenance of a viable economic framework of relations between owners and users of copyrighted works.

The rich and timely circulation of information—regardless of whether it is contained in physical or electronic media—underlies the educational mission. It depends upon a viable publishing industry to promote communication across institutional and disciplinary boundaries and upon a sustainable library system to store, preserve, organize, and provide access to information. Other institutions, such as museums and historical societies, depend on a reliable source of revenue from their copyrighted collections to support their equally important stewardship responsibilities.

- To this end, the educational community supports the use of copyright ownership to enable publishers, creators, and owners to secure reasonable returns on investments in intellectual products and sustain their enterprise.
- Management of rights should encourage a reasonable balance between the cost of permission seeking and the use for which permission is sought.
- The educational community opposes extensions of copyright protection that would suppress fair competition or allow monopolies to prevent users from accessing and using information in an economical and convenient form. (For example, the proposed *Sui Generis* Database Protection Act, with its perpetually renewing rights, could suppress fair competition. In addition, excessive extension of copyright term could have the same effect.)
- Debate over whether and how the first sale doctrine should be applied to digital works is ongoing. Its resolution is likely to involve a complex combination of technical, legal, and business measures. Under existing law, the doctrine of first sale permits the legal purchaser of a copy of a work to dispose of it in any way the purchaser wishes, including reselling, lending, or giving it to others. The ability of libraries to lend is based on this doctrine. Because digital works can be instantly reproduced and transmitted—e.g., by posting on a Web site for browsing—while an "original copy" is retained, many copyright owners fear that extension of first sale rights into the digital environment will destroy their markets. Some have sought to protect their products by asserting that they are licensed rather than sold and that these works can be used only as the license prescribes. Concerned that license restrictions will prohibit the digital equivalent of examining the contents of or borrowing a book or journal without purchase, some libraries argue that a digital first sale equivalent is essential to the teaching and research enterprise. Emerging technologies not yet in the commercial marketplace may provide a means of simulating first sale conditions with "envelope" or "lockbox" software, but it is not yet possible to predict whether they can be applied in desirable ways that are acceptable to consumers.

3. Copyright laws should encourage enhanced ease of compliance rather than increasingly punitive enforcement measures.

The law should create an environment that provides incentives for simplified rights clearance and payment while preserving the principle of fair use contained in current law. Burdensome and inconclusive permissions systems may stifle dissemination of copyrighted works or encourage widespread violation of the law, as may undue constriction of fair use exemptions. In extending copyright law and practice to the digital environment, care should be taken that the creation of new rights does not become a disincentive to the circulation of information.

- Copyright law should provide a framework for voluntary contractual agreements that both provide fair returns to copyright owners and create incentives for broad dissemination of information. The law should not permit such contracts to abrogate fundamental legal guarantees, however.
- The law should permit the fair use defense in a contractual environment. At the same time, the law should encourage the application of fair use principles to digital works in a manner that maintains respect for the rights of copyright owners consistent with the provisions of current statute.
- The development and use of automated rights tracking, security technologies, and licensing mechanisms may reduce incentives for many kinds of infringement while simultaneously facilitating enhanced access to copyrighted works of others. Copyright law should encourage such innovations.
- Careful consideration should be given to the advantages and disadvantages of compulsory licensing schemes which require copyright owners to permit certain kinds of uses of their properties and automatically collect fees to pay for such use. Compulsory licensing provisions are already in effect for the

broadcast of audio recordings of music. Broader application of this concept has not been thoroughly discussed, and it is premature to advocate for or against such a system for digital works.

4. Copyright law should promote the maintenance of a robust public domain for intellectual properties as a necessary condition for maintaining our intellectual and cultural heritage.

The public domain is an intellectual commons that is the essential foundation for an informed and participatory society. It is critical for education, research, and the creation of new knowledge. With copyright terms extending for periods that can exceed 100 years (life of the author plus 50 years), the digital format in which a work is first fixed is likely to become obsolete long before the copyright expires. Security technologies used to protect copyrighted works from unauthorized use will exacerbate this danger if provision is not made for "unlocking" the work at the appropriate time.

- Information created by governments and public agencies, including under contract, should reside in the public domain as they do under current law.
- Privately created works that have passed a certain age should reside in the public domain as they do under current law.
- Copyright terms should expire on dates that are certain and easy to determine.
- Copyright law should assure that new technologies do not impede the passage of works into the public domain as contemplated by current law.
- Copyright law should facilitate preservation and migration to new media as technologies change. The educational community encourages a distinction between activities necessary for preservation and storage and activities to provide access to copyrighted works. Because technology evolves rapidly, the statutes and regulations governing preservation and storage should be flexible enough to apply to successive generations of technology.

5. Facts should be treated as belonging to the public domain as they are under current law.

The educational mission requires that all who are engaged in it be able to examine and analyze facts without restriction. Compilations of facts that are creative or add value may be protected by copyright, but the facts themselves are and should remain in the public domain.

6. Copyright law should assure that respect for personal privacy is incorporated into access and rights management systems.

Academic freedom and the Constitutional guarantees of freedom of thought, association, and speech require that individual privacy be respected. In the print environment, individuals may examine works in libraries and examine and purchase them in sales outlets without leaving records of their identities. The educational community urges that legislation be crafted to assure that the rights of individuals to access copyrighted works without recording personal identities are comparably protected in the digital environment.

7. Copyright law should uphold the principle that liability for infringing activity rests with the infringing party rather than with third parties. Institutions should accept responsibility for acts undertaken at their behest by individuals but should not be held liable for the acts of individuals—whether or not associated with the institution—acting independently. This principle is an essential underpinning for academic freedom.

The creation and dissemination of knowledge depends on a community of individuals who develop their own scholarly investigations and syntheses. Such a community can only be sustained if the tenets of academic freedom, including freedom of speech and rejection of prior restraint, are upheld. The educational community opposes copyright legislation that would make institutions liable for the acts of individuals acting on their own initiative, or that would impose prior censorship. Copyright enforcement provisions should uphold principles of due process in determining whether specific allegations of infringement are valid. Educational institutions accept responsibility for establishing policies, carrying out due process when appropriate, and creating climates in which all those who use their facilities and resources use copyrighted materials appropriately.

8. Educational institutions should foster a climate of institutional respect for intellectual property rights by providing appropriate information to all members of the community and assuring that appropriate resources are available for clearing rights attached to materials to be used by the institution, e.g., in support of distance learning.

As creators and repositories of vast amounts of intellectual property, educational institutions have both a

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responsibility and a need to assure that their own institutional practices conform to the requirements of intellectual property law and that their constituencies are well informed about their responsibilities. Institutional practices should set high standards for compliance and can serve as an educational tool for heightening the consciousness of individuals within the educational community of what the law demands. Assurance that institutional practices are fully aligned with legal requirements will strengthen the position of educational entities in negotiating legislative and contractual conditions.

9. New rights and protections should be created cautiously and only so far as experience proves necessary to meet the Constitutional provision for a limited monopoly to promote the "Progress of Science and useful Arts."

Sui generis protections should be considered with extreme care and only after an adequate body of case law has accumulated to define the dimensions of what is at stake. Extension of copyright to new classes of works should be regarded with skepticism until it is demonstrated that the extension affirms the traditional balance between owners and users, and care should be taken to consider whether other bodies of law might be more appropriate vehicles for the protection sought and what the consequences of such applications might be.

10. Copyright enforcement provisions should not hinder research simply because the products of a line of inquiry might be used in support of infringing activity.

While the law should provide penalties for acts of infringement, attempts to criminalize the possession or acquisition of technologies or devices that might be used for illegal purposes will sweep with too broad a broom. Both applied and basic research related to encryption technologies and computer science may require that researchers be able to obtain state-of-the-art devices in order to participate in the creation of new knowledge. Moreover, decryption technologies may be necessary to place works in the public domain at the expiration of copyrights or to engage in legitimate activities, i.e., preservation. Legal sanctions should be reserved for those activities that violate or directly support violation of the law.

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WIPO: Summary and Key Accomplishments

by Prudence Adler, ARL Assistant Executive Director, Federal Relations and Information Policy

During a Diplomatic Conference convened in December 1996 in Geneva, Switzerland, the World Intellectual Property Organization (WIPO) considered three treaties designed to update the intellectual property rights established by the Berne and Rome conventions. Delegates from 160 countries met to consider proposed changes to copyright law, with a particular focus on the digital environment. The treaties sought to update copyright law for works delivered in digital form; to enact protections for performers in and producers of sound recordings; and to enact a new intellectual property regime to protect databases.

At the close of the Diplomatic Conference, the delegates adopted new versions of two of the three treaties that had been originally proposed. Consideration of the third treaty regarding database protection was deferred, with a recommendation that WIPO convene another session early in 1997 to consider a schedule for future discussions of that topic. Overall, the adoption of the new provisions resulted in a more balanced approach to copyright issues than would have resulted from the original draft proposals. The efforts of representatives of the Digital Future Coalition, the Home Recording Rights Coalition, the International Federation of Library Associations, the Computer Communications Industry Association, and others were instrumental in achieving this balanced approach. The U.S. library and educational communities were well represented by ARL President-Elect James Neal, Director of Libraries, Johns Hopkins University; Doug Bennett, Vice President of the American Council of Learned Societies; and Roger Knutsen, National Education Association.

"Reproduction" and "Communication to the Public"

The original WIPO proposal dealing with reproduction rights would have placed libraries at risk from the activities of their patrons because it would have extended the copyright owner's right of reproduction to all temporary copies, including ephemeral images captured in a computer's random access memory. In addition, the draft included a new, exclusive "right of communication to the public." When coupled, these rights would have significantly increased the exposure of online service providers, including libraries, to copyright infringement liability, thereby creating a chilling effect on the ability of libraries and library users to access needed information resources because of these serious concerns over liability. The proposal on reproduction was dropped from the Copyright Treaty and a statement relating to the omission was included in the conference record. Also deleted were references to temporary copying from the Phonograms Treaty.

The proposal on communication to the public was retained, although it was significantly modified with new language that noted: "the mere provision of physical facilities for enabling or making a communication does not in itself amount to communication." This limits—although does not eliminate—concerns about indirect liability for libraries as a result of activities of patrons and other users.

Fair Use and Related Educational Exceptions

The draft WIPO proposal on communication to the public would have undermined many of the exceptions created by Congress to support educational and library activities in the U.S. In particular, it could have limited the applicability of these exceptions in the digital environment.

With the support of the U.S. delegation however, the Conference adopted an "agreed upon statement" to make clear that the two adopted treaties "will permit application of fair use in the digital environment, and should be understood to permit contracting parties to devise new exceptions and limitations as appropriate in the digital environment." The addition of "new exceptions and limitations" and language in the treaty preamble recognizing "the need to maintain a balance between the rights of authors and the larger public interest, particularly education, research, and access to information," is significant progress in reaching a balance in the digital environment between the interests of users and owners of copyrighted materials.

Technological or Anti-circumvention Measures

The draft WIPO proposal on anti-circumvention measures would have imposed liability for the manufacture, distribution, and possession of any devices having the "primary purpose or effect" of circumventing any technology used to protect copyrighted works. As an example, a VCR manufacturer could have been held liable for infringement unless assurance could be made that copies of copyrighted works made by the VCR would be "primarily" for authorized uses. The proposal as written could have precluded libraries from engaging in lawfully permitted activities in support of research, education, and public access to information. For example, if a manufacturer developed a device that enabled a library to circumvent copy-protection systems for the purpose of making lawful archival copies, the manufacturer could be held liable if a Court determined that the manufacturer should have expected that at least one user would also use the device to make an infringing copy.

The treaties as adopted include only a general obligation to protect technologies against the act of circumvention for unlawful purposes. As a consequence, there is no longer a "threat" to the manufacturer of such devices, nor ultimately to the current and future market for such devices, nor to the end user who employs them for fair use, archiving, or related educational purposes.

Continued

Rights Management Information

Rights management information (terms and conditions, information regarding authors, and more) would have been protected from alteration or deletion by the WIPO draft proposals—indeed protected from any changes, including legitimate ones. The treaties as adopted however, while still including language that rights management information will be protected, now only provide protection when the information is knowingly altered for the purpose of enabling infringement.

Next Steps

The U.S. Administration set a very ambitious schedule for domestic consideration of both the treaties and any implementing legislation (required to bring national law in line with the new treaties and to make them enforceable): both were to be sent to the Hill in Spring 1997. Although some do not concur with their assessment, the Patent and Trademark Office (PTO), in consultation with other federal agencies, determined that two pieces of implementing legislation were necessary: provisions relating to technological measures of protection, or anti-circumvention measures, and to copyright management information.

Once the implementing legislation is drafted by the PTO, it will circulate within the Administration and be considered by the National Economic Council prior to being sent to the House and Senate Judiciary Committees. Several congressional committees have indicated an interest in the treaties and implementing legislation: the Foreign Relations Committee (chair, Sen. Helms, R-N.C.); the Senate and House Judiciary Committees (chairs, Sen. Hatch, R-UT and Rep. Hyde, R-IL); and the Senate Commerce Committee (chair, Sen. McCain, R-AZ), which is particularly interested in online service provider (OSP) liability issues.

Staff of the House Judiciary Committee expect to introduce several pieces of copyright-related legislation once the treaties and implementing legislation are sent to the Hill. It is anticipated that Rep. Coble (R-NC and chair, Subcommittee on Courts and Intellectual Property) will introduce the Administration's implementing legislation as a courtesy and possibly three related legislative packages. These three additional pieces include: introduction of the "chairman's mark—May 14, 1996," which addresses a wide range of issues, including fair use and preservation; a bill devoted to "mere conduit" issues; and a technology managers bill that focuses on technological solutions to copyright issues. The Senate Judiciary Committee will play a key role in Congressional consideration of the treaties, in addition to consideration of the implementing legislation. Internationally, 30 countries must ratify the WIPO treaties for them to be in force.

Post WIPO—Key Issues

NII Copyright legislation failed in the last session of Congress due to several extremely contentious provisions dealing with technological measures of protection, or anti-circumvention measures, and OSP liability provisions. Draft 1997 PTO anti-circumvention language is proving to be just as problematic. Key industry players (Motion Picture Association of America, Business Software Alliance, Consumer Electronics Manufacturers Association, and more) could not reach agreement in recent negotiations on appropriate language. In a letter outlining their concerns, the President of the Consumer Electronics Manufacturers Association commented that "its language leaves open to interpretation important questions of potential liability for manufacture, sale, and use of integrated and multipurpose products that are now entirely bona fide and legal." The Administration's complete package of proposals is expected to be circulated for review shortly. Hopefully, it will contain reworked and more balanced anti-circumvention language.

Members of the telecommunications industry signaled early on that any consideration of the treaties and implementing legislation should include provisions which address online service provider liability issues. There is a strong sense that congressional consideration of the WIPO treaties and accompanying legislation presents a unique opportunity to update copyright issues to meet the challenges of the digital environment. Therefore, it is considered unlikely that additional changes to the Copyright Act will occur outside of these discussions, nor once the treaties are considered by the Senate. The failure of the Administration to acknowledge that OSP issues would be addressed in implementing legislation led the telecommunications industry to link the treaties and implementing legislation to OSP issues. In recent discussions, some members of the Administration have indicated that the Administration may consider drafting OSP legislation. The library community, the Shared Legal Capability (SLC), and the Digital Future Coalition (DFC) have not taken a formal position on this linkage to date. As in the debate last year, the DFC will provide a comprehensive set of legislative recommendations.

The issue of OSP liability is a serious concern to the library and academic community. Issues of responsibility, freedom of speech, technology-ready infrastructure, and education must be considered in determining any institutional policy, let alone a national legislative solution. There is a subtle and less tangible—but no less important—link between the OSP discussions and freedom of expression and the First Amendment. Institutions, including libraries, will be appropriately more cautious in the provision of information if there is a concern regarding third party liability. Over time, this would have a dampening effect on the role of libraries in the provision of information and on the ability of users to access copyrighted information. Yet, libraries and educational institutions have a responsibility to establish policies regarding the appropriate use of copyrighted materials in both the print and digital environments, and to carry out due process when appropriate.

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In addition to anti-circumvention measures, copyright management information, and OSP issues, a host of other issues require congressional consideration, including:

- amending Section 107 to clarify that fair use is carried forward into the digital environment;
- amending Section 108 to permit libraries to fully engage in digital preservation activities;
- amending Section 109 to ensure that the notion of sharing resources (first sale) is appropriately extended to the digital environment;
- amending Section 110 and 112 to ensure that distance education activities continue; and
- amending the Copyright Act to clarify the implications of RAM and other "ephemeral" reproductions.

Database Proposal

The failure to act on the draft database treaty during the December WIPO conference has not deterred proponents of the proposal, who are advocating the need for speedy approval of new protections for databases. Delegates to the WIPO conference did not engage in discussions on the draft treaty for several reasons, including: strong concerns, indeed opposition, by many delegations to the proposal; and insufficient time to discuss the need for the proposal prior to the December conference. At a Spring meeting in Geneva, WIPO conducted an "information exchange" session on databases. A second exchange session is scheduled for September.

On the domestic front, staff of the Subcommittee on Courts and Intellectual Property suggest that Rep. Coble (R-NC) may introduce two bills designed to spur competition by providing additional protection for databases. The first bill would provide owners of databases with a *sui generis* (of its own kind) exclusive property right, with some as yet undefined exceptions for research, education, science, and related purposes. The second bill would grant owners a non-exclusive property right. A registration system would be developed and would list a minimum criteria (of level of investment) that must be met. Protection would be available to the owner for a set period of time (to be determined). House staff suspect these bills may be introduced sometime this summer, with a possible hearing in the fall.

At the request of Sen. Hatch (R-UT), the Copyright Office is conducting a series of meetings with stakeholders to solicit input on the database proposal. Members of the SLC met with Copyright Register Marybeth Peters and Shira Perlmutter, from the Copyright Office, in early March to express opposition to the current proposal, which extends intellectual property protection to databases. Throughout May, PTO staff met with members of the scientific, research, and education communities, and proponents and opponents within the commercial sectors.

Canadian Copyright Act Amended

In the final weeks before the Parliament was dissolved for elections, the Canadian Government acted to adopt a Copyright Reform Act (Bill C-32). From the point of view of libraries and higher education in Canada, the reform has mixed implications. According to an analysis by the Association of Universities and Colleges of Canada (AUCC), the most important positive outcome is the establishment of the principle of educational and library exceptions in the Copyright Act, many of which are operational irrespective of the existence of collective licensing. Previously, Canadian law provided only one very minor educational exception and no library exceptions. The new exceptions are an important precedent for future reforms that will address copyright in the digital environment.

The AUCC also finds provisions in the reformed law that are "disadvantageous to educational institutions, libraries, and students which will further strengthen the position of copyright holders, especially collectives." The provisions cited include:

- a new definition of the term "commercially available" that "effectively undermines certain educational and library exceptions by making them inoperable where a license is available from a collective;"
- a new prohibition on the importation of used textbooks into Canada;
- a new provision that provides educational institutions, libraries, etc. protection from liability for infringements by patrons using free standing photocopy machines *only* if the institution has a collective license; and
- a new statutory damages regime from which educational institutions and libraries are shielded if they have a license with a collective society.

Another round of copyright reform in Canada is promised for the next session of Parliament, when both rightsholder groups and educational/library groups are expected to again urge their respective positions to the government. Creator groups are expected to press for the elimination or evisceration of the new educational and library exceptions.

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MUSEUMS COLLABORATE IN NEW MARKETING VENTURES FOR DIGITAL IMAGES

by David L. Green, Executive Director, National Initiative for a Networked Cultural Heritage

Libraries and Digital Licensing

Librarians at ARL member institutions are all too familiar with the phenomenon of publishers licensing, rather than selling, their digital products. Given the current uncertainty about trustworthy protection systems, licensing has been developing as at least a temporary method of defining and controlling the use of digital material. ARL has been a leader in organizing libraries' responses to licensor demands, collaboratively developing both a set of *Principles for Licensing Electronic Resources*, as well as a practical guide, *Licensing Electronic Resources: Strategic & Practical Considerations for Signing Electronic Information Delivery Agreements*. Other notable guides and community forums include Yale's invaluable LibLicense website and listserv that includes an explanatory analysis of licensing agreements.[1]

Enter Museums

Another licensing model is about to be launched from the museum world. Mirroring the informal collaboration seen in LibLicense, as well as formal agreements entered into by library consortia, museums are forming collectives or consortia as vendors to the education market of high-quality digital images from their collections.

The model for this concept was at the heart of the pioneering Museum Educational Site Licensing (MESL) project, now coming to completion. Launched in 1995 by the Getty Information Institute and MUSE Educational Media, this two-year collaboration brought together seven museums and seven universities[2] to evolve and test a model of licensing visual material across closed campus networks.

Site licensing itself is not so new. It is in fact the kind of license most university libraries are familiar with for digital text material. Perhaps the three components that are most fresh and exciting about the MESL model are:

- the notion of a collective—building a major single-point-of-access, multi-institutional digital library of high-quality images with full documentation, cataloging, and contextualizing materials;
- the potential for full engagement as equal partners of two sectors of the nonprofit educational community with the shared values of providing wide access to cultural material while maintaining responsibility for the protection of collections; and
- the potential for discovery of new uses for visual material, which should affect the kind of agreements written and systems developed between owners and users of images.

The MESL vision is clearly not that of a commercial enterprise; its ambition is not financial profit, but rather the fruition of one of the great promises of digital networking of cultural heritage materials: dramatically increased, widespread access to the collections of museums—much of which is not even on public analog display in the museums themselves—together with multimedia contextualization and documentation material to make the images far more usable and useful in research and writing, teaching, and discussion than they have been to date. The very availability of such richly documented images would open up potential uses of museums' imagery far beyond that of art historians, further accelerating the use of images as rich evidence and example in a broader range of academic disciplines—by researchers, teachers, and students.[3]

The benefits for a museum in engaging in such a digital collective and contributing to a "central" library

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include eliminating the costs of processing individual requests for individual images, as well as clearing and negotiating rights with artists and rights holders (both would be done by the collective), standardizing digitizing and documentation practices, and having access to other members' holdings, among others.[4]

For educational institutions, the benefits include, for a relatively low, annual cost-recovery-based fee, the kind of single-point access to a multi-institutional library, as described above, with none of the nightmares associated with gaining permissions. Such a collective should also offer the potential for continuous information exchange between the museums' "product" and universities' needs, as faculty and students explore, discover, and develop a range of new uses for digital images. Educational institutions would benefit from such an active exchange by getting products tailored to actual, evolving practice and needs. Museums also would benefit by having a mechanism by which scholars and teachers could add intellectual value to objects in museum collections.

MESL expanded its scope rapidly. With an obvious concern and focus on developing the terms and conditions that should be part of a model educational site license, the project was exemplary in the way it grappled with the full range of practical and social mechanisms for delivering quality digital images (as well as with the heuristic possibilities). The project employed wide-ranging teams from each participating institution, including those from art history, instructional technology, museum collections documentation, imaging, and academic computing. Despite unexpected technical difficulties, the project worked well: the museums created a digital library of some 9,000 images that was locally mounted by each university and used in a variety of ways by faculty and students.

MESL's final report will be released this September on its website <http://www.gii.getty.edu/mesl/>. It will comprise both a formal report and a series of papers by the participants on how the project has affected individual institutions. The formal report will not only draw its conclusions about the ever important terms and conditions of a license contract, but will also cover the technical issues (implementation of data standards, implementation models), the impact of MESL on teaching, learning, and museum organizational culture, and the economic questions that were raised.

AMICO & MLC

Earlier this year, as MESL was approaching its conclusion, it developed a working matrix of the issues of concern to both parties that needed to be included and considered in the creation of any particular license. The issues ranged from content selection through the scope of the license, permitted users and uses, and technical and security requirements to fees, terms of license, rights management, and termination. This matrix has been used in the formation of two nonprofit licensing consortia now organizing themselves: the Art Museum Image Consortium (AMICO) and the Museum Licensing Cooperative (MLC). Both are planning consortia that would build a digital library, within which there would be more specialized "products." Both would offer non-exclusive licenses, enabling museums to digitize and market individual works, or to participate in another collective if they so chose. Neither has formal connection or endorsement from the MESL project. Nor, unfortunately, do they include educational institutions as formal, equal partners of the consortia (so far at least): the hoped-for feedback loop has not yet been formally included in their plans.

AMICO is a project of the Association of Art Museum Directors, representing 170 of the larger art museums of the U.S., Canada, and Mexico. Spearheaded by Max Anderson, Director of the Art Gallery of Ontario and of the Art Museum Network, much of the organizational work is being conducted by David Bearman and Jennifer Trant of Archives and Museum Informatics. Launched as a project this March with an agreement in principle from representatives from 37 art museums gathered in Los Angeles, AMICO expects to be fully incorporated by the end of 1997, and ready for full subscription by the 1999 academic year. Initially, while AMICO's membership would comprise art museums only, its library is planned to be broad and representative, within which many specialties would develop. The focus of its first phase would be the development of a university site license, followed by licenses for museum, K-12, and public library uses. Its financial base would be entirely cyclical: dues and license fees would assist in the continuing expansion of the library. Sliding scales would apply both to museums' participation fees and to universities' annual licensing fees in an attempt to ensure access by all interested institutions. Details of AMICO's planning development can be found at <http://www.amn.org/AMICO>.

The Museum Licensing Cooperative is a project of the MLC Development Corporation, masterminded by Geoffrey Samuels, and developed in close consultation with the American Association of Museums. MLC will be open to all museums, not just art museums, and, although its first focus will be in developing an educational site license, it will also work to develop a commercial licensing arm. Its initial library will focus on nineteenth-century American culture, not only to avoid copyright problems in the start-up phase but to build upon the developing critical mass of material already available in projects such as the Cornell-Berkeley Making of America <http://www.umdl.umich.edu/moa/> and the Library of Congress' American Memory <http://lcweb2.loc.gov/ammem/> projects. It proposes to raise considerable initial capital funds to enable museums to digitize their material. MLC is at the early stage of assembling its advisors, project management team and a core group of museums. It expects to be incorporated by the end of 1997, define its specifications and develop its business plan and services through 1998.

Reader Survey

Published bimonthly, the goal of *ARL: A Bimonthly Newsletter of Research Library Issues and Actions* is to examine the challenges facing research libraries in the process of scholarly communication—both today and in the future—and to look at how the library, educational, and scholarly communities are addressing these challenges. The *Newsletter* can also be found on the web at <http://arl.cni.org/newsltr/newsltr.html>.

We are interested in hearing your feedback on this August 1997 issue (#193) and your ideas for future issues. Please let us know what you think.

1. **What are the three most important issues facing your library?**
   (For example: funding; developing staff skills; copyright/licensing; etc.)

2. **Would you be interested in writing an article for this Newsletter? If so, what would be the topic?**

3. **Which articles in this issue are most valuable to you? (Please rank them from 1-9, with 1 being the most valuable.)**

___ Museums Collaborate in New Marketing Ventures for Digital Images (p. 1)
___ UC Launches California Digital Library (p. 4)
___ University Presses - Balancing Academic and Market Values (p. 6)
___ Federal Relations (Intellectual Property and Copyright/Revisions to Title 44 Proposed) (p. 8)
___ New Program Directions for CNI (p. 9)
___ Library Decision-Making Processes (p. 10)
___ A Different Approach to Unsolvable Problems (p. 12)
___ ARL Activities (p. 14)
___ Calendar (back cover)

4. **What specific topics would you like to see addressed in future issues?**

Name_____Title_____

Library/Institution_____

Address_____

City_____State/Province_____Zip/Postal Code_____Country_____

Telephone_____Fax_____E-mail_____

To reply to these questions, please **fax** this back to **202-872-0884** or send us your comments on e-mail to **jaia@cni.org**. **Feedback on the Newsletter is always welcomed, but replies to this survey will be most** useful if received by October 1, 1997.

ASSOCIATION OF RESEARCH LIBRARIES • 21 DUPONT CIRCLE • WASHINGTON, DC 20036 • 202-296-2296

Other Issues and Models

Fair Use

The license model recommended by MESL would have no intention of limiting fair use. The spirit behind both MLC and AMICO, and early language in AMICO agreements, indicate an extremely liberal approach to the uses of material, enabling university community members, for example, to download, print, and copy material and even manipulate copied images. Thus, within the license agreement itself fair use would be more than protected, and, unlike the scenario with many commercial licenses, should not prove a contentious issue. (Although one question might be after termination of an agreement whether an individual may claim fair use of individual items in his or her possession.)

Commercial Licenses

Although MLC plans to include a commercial licensing wing (for-profit or nonprofit is still undecided) to market museum images for commercial use, there would be no competition between the educational collectives and current commercial digital licensing companies such as Corbis. According to a variety of reports, the images Corbis markets are much more selective (i.e. more big hits rather than a comprehensive "library") and without the high degree of contextualizing documentation that will characterize the collectives' libraries.[7]

Other Solutions

Other, mostly interim or partial solutions to the problems museums and libraries face in producing, marketing, acquiring, and using large volumes of digital visual material include the development of locating directories that also act as central ordering clearinghouses. The most notable of these services for museum images is the Image Directory <http://www.imagedir.com/home.htm> under development by Academic Press. This again is fine for individual images, but the costs would still be unreasonably high for negotiating a large volume of images.

Another recent development in helping consolidate the rights clearance of images is the development of a collective arrangement by the Copyright Clearance Center, through its Media Image Resource Alliance (MIRA), with the American Society of Media Photographers, the National Writers Union, and the Graphic Artists Guild <http://www.copyright.com/stuff/pr_phoartwrit.html>. This, however, would complement the creation of cooperative museum digital libraries, allowing them to expand their collections by entering into cooperative exchange agreements with domestic alliances such as MIRA, as well as with international collectives. As Jennifer Trant points out, "one of the key advantages to a museum-owned collective in the U.S. is that it will be well positioned to collaborate with similar government-sponsored agencies in Europe and elsewhere and international exchange agreements would enable access to the collections of other museums."[8]

The Role of Libraries

I would suggest that libraries can contribute to these new enterprises at two levels. On one level, they may be helpful, given recent experience in hammering out deals and negotiating contracts with vendors over the supply of digital material, in assisting these new consortia as they prepare their license agreements. They would also be a valuable instrument for bringing universities more to the center of consortial discussions and in helping to design their projects.

On another level, libraries might take Clifford Lynch's suggestion of thinking through how they should prepare for an image-rich teaching and research future. Beyond allocating funds and acquiring image databases, this might include the development of sophisticated new architectures for linking disparate image resources and for new cataloging and distribution systems for assisting faculty and students to better avail themselves of museums' rich collections. As Lynch puts it, "Library choices to move more or less rapidly in making [available] rich databases of digital visual materials to their communities will play a key role in encouraging or delaying these changes in community practice."[9] Such decisions, in enabling the clientele of both museums and libraries to gain greater and more flexible access to their collections, in Jennifer Trant's view, will contribute to the greater health of both sets of institutions: "a literate public that feels ownership of its museums' and libraries' collections is our best hope for their preservation and continued relevance."[10]

[1] For *Principles*, see <http://arl.cni.org/scomm/licensing/principles.html>; for *Licensing* guide, see <http://arl.cni.org/scomm/licensing/licbooklet.html>; for LibLicense, see <http://www.library.yale.edu/~llicense/index.shtml>

[2] Participating museums are the Fowler Museum of Cultural History (UCLA); George Eastman House, Rochester, New York; The Harvard University Art Museums; The Library of Congress; The Museum of Fine Arts, Houston; The National Gallery of Art; and The National Museum of American Art, Washington, DC. Participating universities are: American University, Washington, DC; Columbia University, New York; Cornell University, Ithaca, New York; University of Illinois at Urbana-Champaign, Illinois; University of Maryland, College Park, Maryland; University of Michigan, Ann Arbor, Dearborn and Flint, Michigan; University of Virginia, Charlottesville,Virginia.

[3] Clifford Lynch, in his argument for more readily available "core reference collections" of digital images and reference databases of images, observes that "The potential to place visual materials on an equal footing with text for the next generation of authors is spectacular." See his article, "The Uncertain Future for Digital Visual Collections in the University," in *Archives and Museum Informatics*, Vol. 11, No. 1, pp 5-13.

[4] For a clear account of the problems museums face with granting permissions and clearing rights for the use of images, especially in dealing with the potential tremendous growth in volume of requests, see David Bearman and Jennifer Trant, "Museums and Intellectual Property: Rethinking Rights Management for a Digital World," in *Visual Resources*, Vol. 12, Nos. 3-4 (1997), pp. 269-279.

[5] See, for example, Jane Lusaka, Susannah Cassedy and John Strand, "Whose 800-lb. Gorilla Is It? Corbis Corporation Pursues Museums," in *Museum News*, Vol. 75, No. 3 (May/June 1996), pp. 34-37, 74-79.

[6] Lynch, p.13.

[7] Jennifer Trant, personal email, July 24, 1997.

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Continued

UC SYSTEM LAUNCHES CALIFORNIA DIGITAL LIBRARY

by George Soete, Transforming Libraries Editor

The University of California is creating what may eventually be a miracle: a truly comprehensive, integrated approach to electronic scholarly publication that will directly serve its more than 200,000 faculty, staff, and students, and potentially a much broader segment of the state's citizenry. The California Digital Library is the first step in the University's multifaceted Library of Tomorrow initiative that is sparking great excitement throughout the institution and gaining strong support from a broad constituency. Funding for the California Digital Library was approved for 1997/98 and a new University Librarian/Executive Director is currently being recruited.

The Library of Tomorrow initiative had a slow birth, beginning during the late 1980s/early '90s with the realization that the University's pioneering 1977 Plan was no longer working in the emerging environment. The story is a familiar one to most academic research libraries: library materials prices and technological advances were outstripping the UC libraries' ability to adequately meet the needs of students and researchers. Nearly ten years later, this sense of crisis has reached significant proportions in the University community.

The recent words of Charles F. Kennel, Executive Vice Chancellor of the UCLA campus and Chair of the Library Planning Initiative's Advisory Task Force, sound a call to decisive action:

- *There is indeed a serious library crisis ... which threatens the ability of UC's libraries to support adequately the University's education, research, and public service missions.*
- *The crisis in scholarly and scientific communication is not confined to UC; its impacts are international.*
- *Current practices, including the building of nine comprehensive research collections, cannot be sustained. The libraries have been leaders in re-engineering processes for operational efficiencies, but further re-engineering to achieve additional cost savings, while practical in limited instances, does not address the fundamental crisis.*
- *Solutions to this crisis need involvement from all stakeholders; the libraries cannot solve it alone.*
- *Certain immediate strategic actions need to be taken as steps to building a foundation for a sustainable UC library system.*

Key Components of the Library of Tomorrow Initiative

These critical assumptions underlie the development of a multifaceted program. If the full program comes about, and all indications are that it will, the UC Library of Tomorrow will have a number of key components.

- The California Digital Library (CDL) will have primary responsibility to license, acquire, develop, and manage electronic content and to facilitate access to such content. The Digital Library—and this is the truly innovative part—will be the tenth library in the UC system with its own executive director, budget, staff, and broad-based governing board. CDL's first focus will be on the needs of UC students, faculty, and staff, but eventually it will facilitate access to others in the state and beyond. It will license and acquire electronic content in support of campus research and academic programs and manage such content to assure its efficient and effective delivery to all members. It will also develop a centralized delivery mechanism for electronic materials; encourage the migration of selected campus-based content into the CDL; support digitization of paper-based materials; establish policy and procedures for archiving electronic content; encourage and support electronic publishing by UC faculty; assist the campuses in providing user support and training; and foster standards for effective interoperability.
- As its first strategic initiative, the CDL will create a Science, Technology, and Industry (STI) Collection, beginning in fiscal year 1997/1998. The STI Collection will be developed by the CDL in partnership with library staff and faculty from all of the UC campuses, who will participate actively in determining content for the collection, design of the access mechanism, and provision of support to users. At first, the collection will provide broad coverage of a critical mass of publisher-produced electronic information in the health, life, physical, and engineering sciences. In later phases, it will incorporate less mainstream resources, such as University-produced technical reports, patents, preprints, and datasets. One potential focus will be on areas that the University has designated as high priority for industry initiatives: biotechnology, microelectronics, and information technology.

  A key function of the STI Collection will be a learning laboratory of organizational, technical, financial, policy, human resources, and training issues for further initiatives.
- CDL will take a new approach to resource sharing that will include: 1) swift migration to electronic journals, thereby reducing the demand for interlibrary loan for a growing portion of journals since they will be available online; 2) implementation of a system of direct borrowing between UC campus locations; and 3) outsourcing for an expeditious, reliable delivery service. With direct borrowing in place, a member of the University community will

be able to request and receive material with minimal manual intervention.

- Intersegmental cooperation between the UC libraries and those of the California State University system is another strategy for making maximum use of state resources. Library directors from both systems are looking at several collaborative projects for accomplishing the following:
  - Providing joint union catalog services by developing reciprocal access through Z39.50 interfaces to the UC MELVYL Union Catalog and the CSU Unified Information Access System;
  - Establishing joint consortium contracts and interagency purchasing agreements for information resources and services, thus leveraging the buying power of both universities for measurable cost savings;
  - Strengthening programs, such as overnight point-to-point document delivery, for the cost-effective transfer of physical information resources;
  - Cooperatively exploiting technologies that enhance access to information resources and facilitate resource sharing;
  - Developing cooperative programs for user and staff training and support;
  - Supporting joint initiatives of the UC and CSU systems, such as outreach to K–12 education and to the business community; and
  - Supporting regional and individual campus cooperative initiatives.
- Extending intersegmental cooperation beyond academic libraries will further distribute the economic base for the California Digital Library. In particular, the development of the Library of California, a proposal currently before the State Legislature, would provide the administrative framework that will facilitate UC making California Digital Library services available throughout the state.
- In order to develop the critical mass of content that is so necessary to the success of such projects as the CDL, planners have been negotiating with a number of commercial and academic partners and vendors.

Intense Environmental Factors, University Support Drive New Directions

The Library of Tomorrow initiative is the product of intense environmental factors. Chief among these is the financial crisis that has finally propelled the University into a radical strategic direction. Another factor, however, is the engagement and commitment of the University's leadership, especially embodied in the support for the concept of the Cyberlibrary as articulated by UC President Richard C. Atkinson. Acknowledgment of the crisis and support from leadership led to the formation of a planning team, whose members were given substantial long-term assignments and time away from their regular jobs. This team is led by Richard E. Lucier, University Librarian at the San Francisco campus.

In addition to the development of the California Digital Library, the planning team continues to look at other innovations, including the formulation of new business models to sustain access to scholarly information. Currently, this library planning and action initiative is scheduled to proceed through February 1998.

Though the vision of the UC Library of Tomorrow is truly innovative in its plan for organizing, staffing, and exploiting the vast resources of the UC system and beyond, perhaps the greatest achievement has been in overcoming the difficulties of getting nine major libraries (including seven ARL member libraries) to agree on such a radical new approach.

—N.B. Portions of the wording of this report were taken directly, with permission, from planning documents currently available only within the UC system. For more information on the UC Library of Tomorrow Initiative, contact Richard E. Lucier <richard.lucier@ucop.edu>.

Issues & Innovations in E-Scholarly Publication

The UC report above is one of 14 descriptions included in *Issues and Innovations in Electronic Scholarly Publication*, a 39 page report published in June by ARL as #3 in a new series titled *Transforming Libraries* (*Transforming Libraries* #3 was also issued as SPEC #223). *TL*#3 was written by *Transforming Libraries* Editor George Soete with editorial advice from Mary Case, Director of the ARL Office of Scholarly Communication. The reports in *TL*#3 are based on a series of interviews with professionals in 20 libraries, consortia, and publishing enterprises. "Reports from the Field" examine the innovative ways in which electronic materials are being acquired and distributed, and individual library and publishing projects are showcased. The "Issues and Trends" section highlights some of overarching topics associated with electronic publication ventures, including: staffing, licensing and copyright, changing roles, archiving, and collection management. Single issues of the full report are available for $34; contact the ARL Publications Department <pubs@cni.org> for order information. For topical information, see the website that accompanies the report <http://arl.cni.org/transform/>.

Office of Scholarly Communication

Maru M. Case, Director

University Presses: Balancing Academic and Market Values

Recent stories in the *Chronicle of Higher Education* and the *New York Times*[1] relate stories of young scholars confronting the latest reality on the road to tenure. The manuscripts of their 'tenure books' were rejected by university presses, not because of quality, but because of their limited sales potential. These young scholars have come face to face with one of the most troubling issues facing higher education today—the values of the market are clashing with the values of the academy. University presses, faced with eroding markets and declining subsidies, conclude that they can no longer afford to publish specialized scholarly research which is central to their mission. This situation does not bode well for the long term health of education and scholarship in the humanities and the social sciences.

Stresses on the System

Numerous factors contribute to the current state of university presses. Libraries know well the effects on their own budgets of the increasing costs of library materials. The extraordinary price increases for serial publications, especially those in science, technology, and medicine, have resulted in shifts in expenditures from monographs to serials. Between 1986 and 1987, a combination of steep serials price increases and a sharp decrease in the value of the dollar caused a dramatic decline in the number of monographs purchased, a situation from which libraries will not likely recover. In that year, forced to encroach upon the monograph budget to help cover some of the cost of their subscriptions, the typical ARL library ended up purchasing 18% fewer monograph titles. Despite a subsequent decade of serial cancellation projects, research libraries are still purchasing 21% fewer books in 1996 than they did in 1986.

Since libraries are the main market for scholarly monographs, the decline in the number of books purchased triggered university presses to reduce print runs. While print-runs of 1,000 to 1,500 copies were standard ten years ago, presses are now confronting sales of 400-500 copies. While sales do vary across disciplines and sub-disciplines, these low numbers hold true for even award-winning books in the less "popular" fields. Meanwhile, university support for presses has declined and subventions for publishers from such agencies as the National Endowment for the Arts and the National Endowment for the Humanities have virtually disappeared. These factors, combined with the increase in the cost of paper and other publishing expenses, have brought the system to the point where the unit price to recoup the first copy costs of a printed scholarly monograph makes most books too expensive for the academic market (both libraries and individual faculty) for which they are intended. These patterns are borne out by the ARL statistics which show the increase in per unit cost of monographs rising by 63% between 1986 and 1996. While fewer monographs have been purchased, as noted above, ARL libraries spent 29% more money on monographs in 1996 than they did in 1986.

University Press Response

In response to these trends, university presses have altered their lists—moving away from the scholarly monograph targeted for libraries and toward materials attractive to broader markets such as bookstores. Presses are now publishing more reference works, local history, and upper-level textbooks. At the same time, as a result of the tenuous status of smaller publishing houses owned by media conglomerates, presses are beginning to move into this new market, which offers potential sales of 5,000 to 10,000 copies per title. Presses had also hoped that the eagerness of the chain bookstores to stock their titles would result in increased sales. But the initial promise has quickly evaporated with deep discounts and large numbers of returns.

With such strong market forces working against the scholarly monograph, discussion has begun to focus on the value of the form itself and on the academic culture that sustains it. Has the academy abrogated its responsibility for evaluating a young scholar to the fickleness of the market, if, as reported, university presses are openly acknowledging that sales potential is a primary factor in publishing decisions? While market forces play an important role in limiting the number of new titles published, the limiting of publications in currently low selling fields may be damaging to the long term health of some disciplines. If scholars in low sales fields cannot get published and tenured, there may come a time when there are no faculty to teach in these fields. James Shapiro, professor of English and comparative literature at Columbia, in discussing this issue notes that "It can hardly be a good thing ... when the knowledge that we value is determined by market forces rather than by intellectual exchange."[2] Shapiro and many others believe it is time for the university community to reassert its values and seriously address solutions to this problem.

Strategies for the Future

Over the past several years, publishers and scholars have offered a number of possible strategies for dealing with this threat to the specialized scholarly monograph. Included among them are the retooling of promotion

and tenure requirements, the retooling of the publishing process, and the retooling of the overall funding base for scholarly publishing. In addition, the continuing trend toward shorter journal length articles, as well as the new technology that provides new modes of research and dissemination, may contribute to a decline in the monograph as the format of choice for scholarship in the humanities and social sciences.

Shapiro proposes that the tenure requirement to have a book published or a contract in hand be changed. He believes that for a young scholar to turn his or her dissertation into a book that has broad enough appeal to be accepted by a university press, takes more "intellectual guidance and time" than is available in the tenure cycle. He suggests that a department consider the unpublished manuscript for tenure, evaluating it for "intellectual promise" and then guide the young scholar toward future publication. On the other hand, others have suggested that better mentoring of graduate students and young scholars is needed to lead them to broader more popular topics. These varying points of view are closely tied to broader discussions in the university community where the market realities of decreasing numbers of tenured positions is leading to a reconsideration of the numbers of Ph.D. students admitted and to the kind of training that they should receive—for example, basic or applied research skills. Where do the academic and market values strike a balance?

With such strong market forces working against the scholarly monograph, discussion has begun to focus on the value of the form itself and on the academic culture that sustains it.

In terms of the publishing process, some relief may come from new technologies that are beginning to be developed that will make short press runs far more economical. These systems are being designed to include the ability for print-on-demand at dispersed locations. It will, however, be several more years before such systems are ready for widespread use.

Other suggestions for confronting the problem with the endangered monograph include a change in the overall funding of scholarly publishing. Sandy Thatcher, Director of the Pennsylvania State University Press, suggests that the costs of the publishing system should be spread out among all the universities that rely on it. Thatcher believes that "... universities that do not have presses of their own, but whose faculty members now benefit from presses on other campuses" should contribute "their fair share." Furthermore, all universities should consider "a joint scheme to cover all the up-front costs of publishing in fields with low sales. University presses could then opt to deliver monographs electronically over the Internet, without worrying about recovering costs through sales of copyrighted material."[3]

In 1992, Kenneth Arnold, then Director of the Rutgers University Press, proclaimed that "the scholarly monograph is dead."[4] The scholarly monograph, as we know it, is "an unnecessary mental construct." Arnold believes that the monograph "evolved to meet the requirements of book publishers, not the needs of scholars,"[5] and encouraged the entire scholarly community to rethink what was needed in a new electronically-based system of scholarly communication rather than attempt to replicate the current print system on the network. Arnold characterized the monograph as "a symbol for the serious situation we face." Whether one believes, as he does, that "we do not need to resuscitate the monograph," it is likely we would agree that "we do need to re-imagine scholarly communication systems."[6]

Re-imagining the monograph will be the topic of the upcoming conference, *The Specialized Scholarly Monograph in Crisis or How Can I Get Tenure If You Won't Publish My Book?* Co-sponsored by the American Council of Learned Societies, the Association of American University Presses, and the Association of Research Libraries, the conference will bring together faculty, administrators, publishers, and librarians to examine the current state of scholarly communication as it particularly concerns the monograph and to explore the potential of new technologies to provide both new means of dissemination and new models for conducting research and communicating the results. The conference is being held on September 11 and 12, 1997, at the Marriott at Metro Center Hotel in Washington, DC. Registrations will be accepted through September 5. See <http://arl.cni.org/scomm/epub/program.html> for more details.

[1] James Shapiro, "Saving 'Tenure Books' From a Painful Demise," *Chronicle of Higher Education*, November 1, 1996, p. B6; and Peter Applebome, "Profit Squeeze for Publishers Makes Tenure More Elusive," *New York Times*, November 18, 1996, p. A1, B11.

[2] Shapiro.

[3] Sanford G. Thatcher, "The Crisis in Scholarly Communication," *Chronicle of Higher Education*, March 3, 1995, p. B1.

[4] Kenneth Arnold, "The Scholarly Monograph is Dead, Long Live the Scholarly Monograph" in *Scholarly Publishing on the Electronic Networks. The New Generation: Visions and Opportunities in Not-for-Profit Publishing*, ed. Ann Okerson, Washington, D.C.: Association of Research Libraries, Office of Scientific and Academic Publishing, March 1993, pp. 73-74.

[5] Ibid., p. 77.

[6] Ibid., p. 78.

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FEDERAL RELATIONS

Prudence S. Adler, Assistant Executive Director-Federal Relations and Information Policy

INTELLECTUAL PROPERTY AND COPYRIGHT ISSUES

Implementing WIPO Treaties

On July 28, the Clinton Administration transmitted to the Senate the two World Intellectual Property Organization (WIPO) treaties on Copyright and Performances and Phonograms. Senior members of the Judiciary Committees introduced the Administration's implementing legislation, "WIPO Copyright Treaties Implementation Act" in the House (H.R. 2281) and Senate (S. 1121). These bills predominately focus on anti-circumvention measures and rights management information.

Although the language of the bill is somewhat improved over that included in last year's legislation, there continues to be serious concerns with the proposals, particularly with regard to their impact on fair use. Provisions in the bill would make it illegal to "manufacture, import, offer to the public, provide ... any technology, product, service, device, component ... primarily designed for the purpose of circumventing a technological protection measure that effectively controls access to a work." These and other provisions in the bill would make it extremely difficult to effectively exercise fair use. In a letter to Ira Magaziner, Senior Advisor to the President, the Digital Future Coalition noted that, "The Commerce bill establishes a new and unprecedented regime which prohibits technologies which enable access to a work or circumvention of technological protection measures, even for lawful activities. It will also deprive teachers, librarians, and consumers of many of the uses and devices now permitted by the Copyright Act." An analysis of H.R. 2281 will be available on the web at <http://www.arl.net/dfc/>.

It is anticipated that there will be an increasing focus on copyright and intellectual property issues in the fall. The House may conduct a series of hearings to examine copyright and intellectual property issues, beginning with one on the WIPO treaties and H.R. 2281, tentatively scheduled for September 10.

OSP Liability

On July 17, Rep. Coble (R-NC and chair of the Subcommittee on Courts and Intellectual Property) introduced H.R. 2180, the On-line Copyright Liability Limitation Act, a bill concerned with on-line service provider liability issues. In his introductory statement, Rep. Coble commented that the bill was introduced "in response to concerns raised by a number of on-line service and Internet access providers regarding their potential liability for copyright infringement when infringing material is transmitted on-line through their services. This bill is meant to be a new starting point for discussion among the groups affected by its provisions." He also noted that Congressman Goodlatte (R-VA) would "continue to steer the negotiation process in this Congress as parties involved begin discussing starting from the framework established in the On-line Copyright Liability Limitation Act."

Last year, ARL and other members of the Shared Legal Capability were represented by Arnold Lutzker of the law firm Fish & Richardson in the Goodlatte on-line service provider negotiation. The Senate Judiciary Committee hearing on on-line service provider liability issues set for July 29 was postponed until September.

REVISIONS TO TITLE 44 PROPOSED

Several Congressional Committees are considering revisions to Title 44 of the U.S. Code, Public Printing and Documents. This Spring, the Joint Committee on Printing conducted a series of hearings soliciting input from a variety of constituencies, including the library community and the Office of Management and Budget, regarding how best to update selected provisions of Title 44 to meet the challenges of the digital environment. Based on discussions with these constituencies, it is anticipated that a bill will be introduced this summer.

Members of the library community are actively engaged in this process and have provided a draft proposal to members of Congress for consideration. The draft text focuses predominately on Chapter 19, which is concerned with the Federal Depository Library Program. Under the auspices of an Inter-Association Working Group on Government Information Policy, the library community's draft proposal includes the following recommendations:

- ensure that the program will function efficiently and effectively in the electronic age;
- clarify through new definitions that the scope of the program includes government information in all current and future media formats from all three branches of government;
- change the name of the Federal Depository Library Program to the Federal Information Access Program, and the name of participating libraries to Federal Information Access Libraries;
- reinforce the requirement that all government information products be provided for no-fee public access through Federal Information Access Libraries with a particular focus on new compliance mechanisms and incentives for participation by agencies;
- elevate the Office of the Superintendent of Documents to a presidential appointment with a 5-year renewable term and vest the position with authority to develop regulations and to coordinate the adoption of standards and guidelines to implement the Federal Information Access Program; and
- confer on the Superintendent of Documents a new responsibility for coordinating continuous and permanent public access to electronic government information products, extending the role traditionally performed by the regional depository libraries into the electronic age.

A copy of the draft text can be found at:
<http://www.lib.berkeley.edu/GODORT/bill.pdf>.

Coalition for Networked Information

Clifford Lynch, Executive Director

New Program Directions for CNI

As I write this, I am in the midst of my third week as CNI's new Executive Director. During this time, I have had the opportunity to meet individually with the chief executives of CNI's three sponsor organizations, with the CAUSE and ARL Boards, and to spend a day with CNI's Steering Committee. I've also had many opportunities during the last few months to consult informally with many members of the broader CNI community and related groups. All of these conversations have been invaluable in mapping the new challenges that CNI needs to address on behalf of its community.

I thought that it would be useful at this point to briefly sketch a few of the new program directions for CNI which are in the planning stages at present. I need to stress that at this point they are only directions, not fully-detailed operational programs. Indeed, one of the challenges for the next few months will be to translate many of these directions into action, to the extent that available resources will support them. I will be calling for help from the CNI Task Force member institutions in accomplishing this. I expect that over the next few months you will see more details on these areas as they evolve, both through vehicles like this newsletter and the CNI-ANNOUNCE list.

One of the highest priorities is to help catalyze the development of a national authentication and authorization infrastructure which can support inter-institutional resource sharing and institutional site licenses to networked information resources much more effectively than current stopgap measures. As the range of networked information available for license explodes, the lack of such infrastructure is emerging as a major problem. It is also important to recognize that this is not just a technical issue—there are critical policy issues surrounding the balance between privacy and accountability, for example.

Other critical priorities involve focusing and strengthening the interactions between the CNI community and EDUCOM-led projects such as the Internet2 and the National Learning Infrastructure Initiative (NLII). In the case of Internet2, the applications emphasis thus far has been on forms of communication such as teleimmersion and video, rather than new types of content and content delivery. I believe that we need a much better understanding of the opportunities that the new Internet2 facilities, such as multicasting, can offer for information delivery and access. In the NLII arena, and indeed the broad area of distance learning, I believe that we need to explore when networked information resources are necessary to support distance learning, how to provide them most effectively, and to consider the organizational, economic, and policy issues involved in ensuring they are available.

As well as new directions (of which these are only a selection) the Coalition will be carrying on with the projects such as Working Together, Assessing the Networked Information Environment, and the Institution Wide Information Strategies (IWIS) work which were set under the leadership of the late Paul Peters and Assistant Director Joan Lippincott, and nurtured and expanded by Joan during her outstanding term as Interim Director. CNI has also been very fortunate to have the assistance of several outstanding visiting program officers on these programs. CNI will also be continuing its work in the metadata area, and has agreed to be a sponsor of the upcoming Dublin Core 5 metadata meeting. I look forward to sharing more information about these, and other initiatives in the coming months, and to opportunities to exchange ideas with you about how CNI can be most effective in pursuing its mission. Please feel free to contact me at any time—my new email address is <clifford@cni.org>.

CNI Task Force Meetings

October 26-27, 1997
Minneapolis Marriott City Center
Minneapolis, MN

April 14 - 15, 1998
Crystal Gateway Marriott Hotel
Arlington, Virginia

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Interview with Clifford Lynch

Clifford Lynch was interviewed by John Kirriemuir at the *Metadata - What is it ?* Workshop in the U.K. in June. Clifford shares some views on mirroring, caching, metadata, Z39.50 and how he sees his role in CNI. The article appears on the Web (but not the print) version of *Ariadne*, a publication produced by the UK Office for Library and Information Networking (UKOLN). See <www.ariadne.ac.uk/issue10/clifford/>.

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DIVERSITY

DeEtta Jones, Diversity Program Officer

Editor's Note: Library managers come to ARL for advice on strategies that will assist the library to break out of behaviors and/or organizational structures that reinforce "camps" and instead lead to more effective processes for managing the library. ARL programs that address such requests are based on the premise that such challenges are best met by library managers who are equipped with a repertoire of management and interpersonal skills founded in clarity of thinking, self-awareness, and awareness of differing views and the perceptions of others. To demonstrate this point, two articles follow that illustrate the kind of management theories that are used in workshops and consultations to help librarians develop the skills to analyze issues and strengthen the decision-making process.

DeEtta Jones, ARL Program Officer for Diversity, writes about how the decision-making process can be managed to benefit from a diversity of experiences and views. Kathryn Deiss, ARL/OMS Senior Program Officer for Leadership Development, describes a model to help libraries analyze problems that appear to never go away. Both articles illustrate the importance of analytical thinking and mental agility for the people we ask to manage library operations.

LIBRARY DECISION-MAKING PROCESSES—MOVING FROM ABSOLUTISM TO RELATIVISM

The quandary most large, complex organizations face, including libraries, is that we value diversity for the strengths it brings to the workplace and seek to create an inclusive work environment, yet our decisions are typically made as a result of a dualistic process—by one person, or very few at top management levels, based on the premise that there is a *right* answer or *best way* to proceed. In order to move out of dualism in an effort to develop and nurture creative and inclusive organizations, we can shift our frame of reference, allowing for consideration of diverse experiences and options for acting. Frame of reference is not about right or wrong—it is about seeing and valuing difference. This means finding ways to encourage and incorporate non-traditional, risk-taking activities, while keeping in mind that anything less is exclusive. Library decision-makers who value inclusion can learn to let go of immediate judgments, allowing for further exploration and understanding of differing views. This requires engaging in dialogue.

As libraries move through tumultuous times—marked by changing organizational structures, the constant introduction to and necessary competence in new technologies, and the demands of an increasingly diverse workforce and user base—it is important to explore forward-thinking paradigms for engaging the broad array of talents and skills available to our decision-making processes. One tool for such exploration is a model developed by William Perry, an educator and identity development theorist, for understanding decision-making as it relates to individual and organizational identity.[1]

Perry developed a scheme to describe cognitive and ethical identity development based upon the traditional four year college experience, with each stage representing a year in college (i.e., dualism = first year; multiplicity = second year; contextual relativism = third year; committed relativism = fourth year). Since then it has been usefully applied more broadly as a mechanism for understanding life-long development and decision-making processes. The original study was conducted on traditionally aged, upper and middle class, White college men enrolled at Harvard University. Therefore, the demographics of the study group do not allow the model to deal with social imbalances of power; yet it is helpful for shifting our frame of reference about organizational decision-making because it describes options for engaging in such processes. The model can be used to give language to the places where organizations typically get "stuck," as well as to suggest a process for making decisions that is more reflective of organizations encouraging broad-based participation.

Perry's Scheme

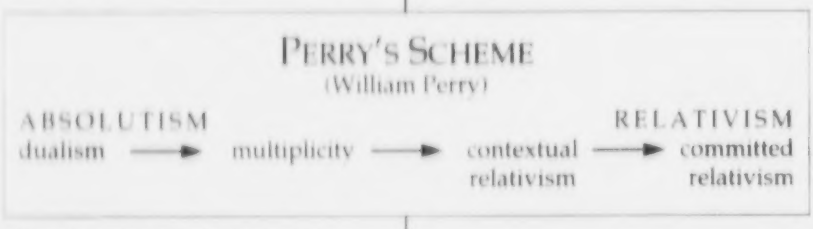
Perry's Scheme attempts to answer the question of how to act ethically in the context of cultural relativism. Each stage is represented on a developmental continuum. It is important to note that the model is not designed as purely linear or one-directional. While we all, according to the model, start at dualism, we progress at different paces through the stages and we move around on the continuum according to the issue or life experience. For example, one may be a committed relativist regarding gender and racial equity in the workplace but think dualistically about these issues in his/her personal life (or children's lives).

Dualism

We all begin here and many of us struggle our entire lives to move beyond this stage, which represents a mindset where only two possibilities exist for any given situation (right or wrong, good or bad, yes or no). The downfall of operating in this stage is that it fails to take unexplored opportunities into consideration and often reinforces the status quo.

Multiplicity
In this stage we begin to see that there are multiple perspectives on any given question. However, we haven't really established our relationship to the differences in our organization/workforce. This stage may perpetuate an "anything goes" mentality because we are not clearly grounded in our own sense of self and organizational values.

Contextual Relativism
We choose to adapt to new situations if necessary and/or if it feels relatively safe to do so. Contextual relativists weigh credentials and view themselves as an incorporation of many things. This stage is often a distraction—we may think that we appreciate differences, but in actuality we do not take risks nor, therefore, test our commitment.



Committed Relativism
Committed relativists make choices with adherence to a particular set of values, emphasizing the process of decision-making rather than the "acceptable" outcome. Acting from this frame of reference allows for peaceful co-existence of different points of view and demonstrates our commitment to creating inclusive organizational processes. The challenge is acting as a committed relativist in times of fear or uncertainty, which is when we are most apt to cling to dualist thinking—it is familiar, less time-consuming than exploring multiple options or including many opinions into a decision-making process, and usually leads to a predictable outcome.

Library Leaders as Committed Relativists

Incorporating Perry's Scheme into a common decision-making process in libraries illustrates the point. When allocating the organization's budget, a manager operating in dualism moves back and forth between two polarities (such as those described in the accompanying article), seeing no other options. Multiplicity involves recognizing several options, but when the tough decisions have to be made, reverting to dualism, thereby making the ultimate decision without full consideration of all those affected. Contextual relativism, in this case, involves exploring options and acting progressively. However, this is more for the benefit of reinforcing appearances and will only take place if a certain level of safety is predicted. A committed relativist approach to managing library challenges, in this case budgetary allocations, may include bringing together diverse ideas and opinions, asking *and genuinely considering* input solicited from departments affected by the budget choices, weighing the options (benefits/costs analysis), and making a decision. The decision may be one which is new or not traditionally viable for the organization, considering the diverse input which created it. Thus, decision-making from a committed relativist perspective often involves acting courageously.

To be clear, acting as a committed relativist is not about the outcome or decision reached, it is a mechanism for engaging the process—one in which the decision makers solicit broad input and are explicit about sharing the reasons for making the ultimate decision. Acting in committed relativism does not shift accountability nor does it suggest that managers must execute decision-making according to the input gathered. However, it does require that one act from personal and organizational integrity.

The changing nature of the library profession reinforces the importance of being conscious of the mental models at work in decision-making processes. Leaders committed to advocating forward-thinking initiatives must also be committed to pushing the organization beyond dualist thinking and acting. In understanding and making a conscious effort to act as a committed relativist, leaders must trust and be trustworthy, acting with a sense of genuineness and personal integrity. Otherwise, the committed relativist process is manipulative. The end result or decision may be the same as that reached through dualism, but the process is more deliberate and inclusive. The key is to be committed to the *process*.

Perry's Scheme and its implications for libraries committed to creating more inclusive organizational cultures is complemented by experientially-based learning and skill development activities in the ARL Diversity Program workshop *Fostering A Climate For Diversity*, offered September 4-5, 1997 in Washington, DC. For more information about Diversity Program workshops or other initiatives, please contact Marianne Seales, Program Assistant, at <marianne@cni.org> or (202) 296-2296.

Perry, W. G., Jr. "Cognitive and Ethical Growth: The Making of Meaning." A. Chickering and Associates. *The Modern American College*. San Francisco: Jossey-Bass, 1981, pp. 76-116.

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A DIFFERENT APPROACH TO "UNSOLVABLE" PROBLEMS

by Kathryn J. Deiss, Senior Program Officer for Leadership Development

Today's libraries increasingly face dilemmas that seem unsolvable. Because we in libraries are problem-solvers at heart, we tend to treat all of the difficult issues we encounter as *problems*, maybe even problems with *best* solutions, and we feel frustrated when we cannot solve them. Dr. Barry Johnson, in his book *Polarity Management* challenges us to consider whether some of our seemingly unsolvable problems are actually "polarities," which can not be solved, but may be effectively managed.[1]

This approach assumes that we can manage many apparent organizational problems by achieving a balance between the upsides of two opposite points of view while minimizing the downsides of each. Ideally, this mode of management results in a fluid ability to shift appropriately from one point of view to the other and/or to hold both in mind at once.

Johnson gives us two questions for determining whether a difficult issue is a *problem* to be solved or a *polarity* that needs to be managed.

- Is the issue ongoing? A dilemma which can have an end through the application of a solution suggests a problem, while an ongoing dilemma suggests a polarity.
- Are the dilemma's opposite points of view interdependent? If there is interdependency between each of the primary perspectives on the issue, then it is a potential polarity.

A polarity, therefore, is a dilemma that is ongoing and in which opposite points of view are interdependent. In libraries, this could be illustrated by issues associated with dilemmas such as quality vs. productivity or individual vs. team management.

The Polarity Management™ Model

We can identify the elements of a dilemma by viewing them through Johnson's polarity model (see accompanying figures). First, we need to determine what the opposite points of view, or poles, are. For instance, in the illustrated example, the poles might be described as "individual" and "team." In the polarity map, the upsides of each point of view are listed in the upper quadrants and downsides in the lower quadrants. The illustrations describe the pull many organizations feel when thinking about accomplishing work through individuals and through teams. Different groups may be advocating for one or the other method of work. It is a polarity because the individual and team environments are interdependent, and because the dilemma—in this case, tensions between advocates for each method—are ongoing.

Listed in the lower left hand corner of Figure 1 (L-) are the downsides of focusing on the individual in the workplace. These are the characteristics that lead some in the organization to describe the situation as a problem. Observing, anticipating, or feeling these downside factors allows some to point out that the solution is to move to the opposite positive pole, or the upper right hand corner (R+), where all the benefits of working in teams are listed. But there are downsides to working in teams, which will be pointed out by the defenders of the "individual" pole. These individuals will also point out that the answer to the downside of teams (R-) resides in the positive or upper left

FIGURE 1: INDIVIDUAL/TEAM POLARITY (PARTIAL MAP)

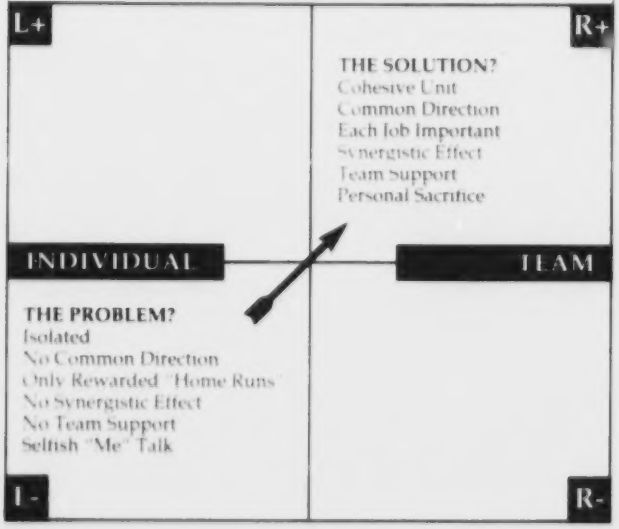
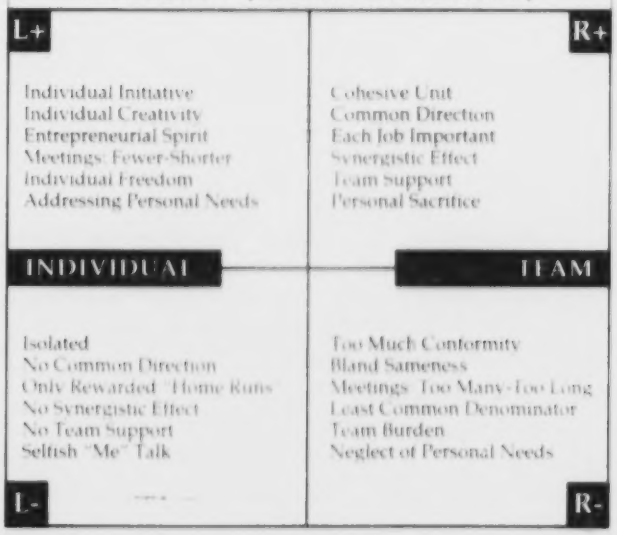


FIGURE 2: INDIVIDUAL/TEAM POLARITY (COMPLETED MAP)



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hand quadrant of the model (L+).

The completed map of the dilemma in Figure 2 shows the two poles with their respective up and downsides. Efforts to solve the issue will fail, because this is an ongoing dilemma to be managed, as opposed to a problem to be solved.

Effective management of a polarity involves focusing on the positive factors of each point of view, understanding the downsides, and not allowing the negative factors to control decisions and actions.

Crusading and Tradition-Bearing

Johnson goes on to describe the interpersonal and organizational dynamic which attempts to drive movement from one pole to another. *Crusading* is the activity people engage in when they want to make things better by moving away from the downside of one pole to the upside of the opposite pole. *Tradition-Bearing* is the activity people engage in to defend the upside of the status quo and to point out the necessity of avoiding the downside of the opposite point of view.

Both Crusaders and Tradition-Bearers attempt to persuade others by asserting that the situation is a problem to be solved. The best solution they suggest is to migrate to the opposite pole, away from the pole they describe as problematic or negative for the organization. This can cause rifts and misunderstandings based on old win/lose habits and the inability to hold two views at once or, at the very least, to shift fluidly from one pole to the other.

Adding New Perspectives Through Dialogue

Polarity Management™ will not make our world simpler. Nor will it relieve us of the difficulty of making critical decisions. Johnson himself describes it as just one tool among many. OMS has found that polarity mapping is one tool that helps people recognize and discuss differing perspectives to see better the full panorama of an issue and understand different views. In this regard, it is like William Perry's description of a "committed relativist" (see previous article). The true value of such analytical tools is to provide members of an organization with a way to enter into a dialogue about the nature of a dilemma and to consider all views in developing effective strategies.

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ARL/OMS addresses issue analysis and decision-making in the redesigned *Leading Change Institute*, which will be publicly offered October 8-9, 1997 in Washington, D.C. The Institute is also available as an on-site event. For information on this and other ARL/OMS workshops, please contact Christine Seebold <cseebold@cni.org> at (202) 296-8656.

Polarity Management: Identifying and Managing Unsolvable Problems, by Barry Johnson. HRD Press: Amherst, MA. 1996. Polarity Management™ is a trademark of Polarity Management Associates, LLC, Grand Rapids, MI 49508. The trademark, model, and underlying theory are used in this article with the express written permission of Polarity Management Associates, LLC.

SPEC Reports on Collections, Training, Diversity

The OMS Systems and Procedures Exchange Center has published five new reports that summarize how research libraries are managing different aspects of collection management, staff training, and diversity. Supporting documentation is published in each Kit or on an accompanying web page and includes policy statements, handbooks, manuals, user surveys, procedure statements, planning materials, and selected readings.

Evolution and Status of Approval Plans (SPEC 221)
by Susan Flood, Auburn University. May 1997

Electronic Resources Sharing (SPEC 222)
by Donna Hogan and Barbara Dahlbach, University of Alabama. May 1997

Issues and Innovations in Electronic Scholarly Publication (Transforming Libraries 3 and SPEC 223)
by George Soete with editorial advisor Mary Case, ARL. May 1997

Staff Training and Development (SPEC 224)
by Kostas Messas, et. al., University of Denver. June 1997

ARL Partnerships Program (SPEC 225)
by Allyn Fitzgerald and DeEtta Jones, ARL. June 1997

These and other titles of interest can be ordered from the ARL Publications Department <pubs@cni.org> at 202-296-2296. For more information about SPEC, for a full list of topics, or to see sample SPEC Flyers, see <http://arl.cni.org/spec/specdesc.html>.

ARL Recruits New OMS Director

ARL invites nominations and applications for the position of Director of Office of Management Services, established in 1970 to develop and advocate imaginative and practical strategies for research library organizational and leadership development. ARL now seeks applicants with a vision of how research libraries can be shaped and a clear understanding of the changes underway in these institutions. The successful candidate will be committed to advancing and improving research libraries' management and leadership and can offer stimulating ideas and an agenda to facilitate this objective. For more information about OMS, the recruitment process, and the position, see <http://arl.cni.org/oms/director.html>.
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ARL Activities

G. Jaia Barrett, Deputy Executive Director

Overview of ARL Financial Strategies

The principles and strategies that guide ARL leadership in planning and budgeting for the association were established in 1989 as a result of the work of a membership task force. The accompanying figures provide an overview of ARL revenue since the principles were adopted and a snapshot of how dues were allocated among ARL program capabilities in 1997. The numbers are drawn from official audits with the exception of 1997 budgeted projections.

Revenue Patterns

Figure 1 displays how three different kinds of revenue have worked together to support the association for the last eight years. The base of ARL's funding is member library dues and the lower line on the graph reflects the total of that income. The middle line in the graph combines member dues with income from cost recovery activities. At ARL, cost recovery encompasses revenue from the sale of publications, fees for training or consulting, and reimbursements of expenses for activities such as staff travel or the provision of administrative services (for example, for the Coalition for Networked Information). The top line in the graph adds in a third stream of revenue—ARL expenditures from grants or other forms of restricted funds. This line shows the important role these funds play for the association and, not surprisingly, their erratic nature.

How 1997 Dues Are Allocated

Figure 2 shows how the 1997 dues revenue is allocated to advance ARL programs and supporting capabilities. This chart does not include total expenditures because it reflects only dues, not income from cost recovery, grants, or other restricted funds.

Figure 2: ARL 1997 Dues Allocations by Program/Capability Total Allocation: $1,734,000

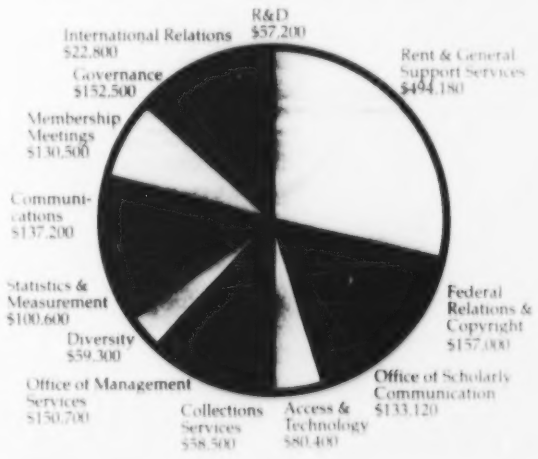
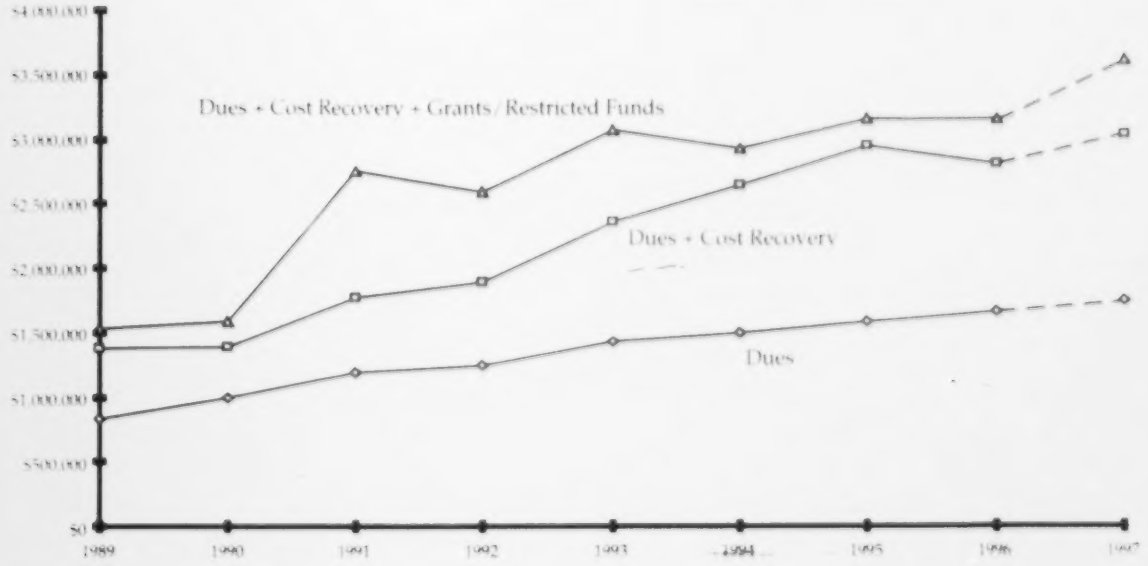


Figure 1: ARL Revenue Patterns, 1989-1997



Texas Tech University Becomes 121st Member of ARL

At its meeting held in May in Albuquerque, New Mexico, the membership of ARL voted to invite Texas Tech University to join as its 121st member. Located in Lubbock, Texas, the University achieved the status of a Carnegie Research University II in 1994. The Libraries are overseen by Dean of Libraries E. Dale Cluff.

The membership vote followed an extensive multi-year review of qualitative and quantitative documentation and a site visit to Lubbock. A Committee reviewed the breadth and depth of collections, uniqueness of research resources, potential contributions to scholarship, and leadership in the library and information science profession. The Texas Tech University Library includes a distinctive Southwest Collection.

Texas Tech University offers nearly 100 master's programs and some 50 doctoral programs in more than 100 fields on its main campus in Lubbock with an enrollment of 24,700. Additionally, the Texas Tech University Health Sciences Center has an enrollment of 1,500 on its four campuses.

Transitions

Auburn: Stella Bentley was named Dean of Libraries effective September 1. She is currently Assistant University Librarian for Collections and Information Services at the University of California in Santa Barbara.

British Columbia: Catherine Quinlan was appointed University Librarian. She is currently Director of Libraries at the University of Western Ontario. Heather Keate, Associate University Librarian for Public Services will be Acting University Librarian until Dr. Quinlan's arrival in October 1997.

Colorado State: Camila Alire was named Dean of Libraries effective July 16. She was previously Dean and Director of the Auraria Library at the University of Colorado-Denver, a position she held since 1991.

Miami: Don Bosseau was named Director of the Richter Library effective in August. He was previously Director of Libraries at San Diego State University.

Pennsylvania State: Nancy Eaton was named Dean of University Libraries effective September 1997. She is currently Dean of Library Services at Iowa State University.

Rutgers: Marianne Gaunt was named University Librarian effective May 1997. She had served as Acting University Librarian since February 1996.

Smithsonian: Nancy Gwinn was named Director of Libraries effective July 20. She served as Assistant Director for Collections Management for the Smithsonian Libraries since 1984.

New York State: Liz Lane was named Director of the New York State Library's Research Library Division effective June 4. She was previously Principal Librarian for Collection Acquisition and Processing at the State Library.

Ohio State: William Studer announced his decision to retire in two years, June 1999. He also announced that in 1997/98, the Provost will assemble a team to undertake a review of the libraries with the goal of setting an agenda for the future; during 1998/99, the search for a new director will be conducted.

Temple: Maureen Pastine was appointed University Librarian effective October 1. She is currently Central University Librarian at Southern Methodist University.

Western Ontario: Wendy Kennedy was named Acting Director on the departure of Catherine Quinlan for study leave and to assume the position of director of libraries at British Columbia.

ARL Staff News: Martha Kyrillidou, Senior Program Officer, returned to Greece in June for a two-year stay to fulfill her Fulbright Fellowship obligations. She will continue to contribute to ARL's Statistics and Measurements Program that is now managed by Julia Blixrud. Patricia Brennan returned from a six month leave of absence to resume responsibilities for the ARL communications and publications program that was managed in her absence by Julia. With the resignation of Laura Rounds from the OMS Information Services position, both Julia and Patricia will share SPEC responsibilities. If in doubt as to who to contact for information on one of these ARL activities, contact Julia Blixrud, Senior Program Officer (jblix@cni.org).

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American Library Association: Mary Ghikas was named Acting Executive Director after Elizabeth Martinez leaves office in August.

Association of American University Presses: Peter Givler was appointed Executive Director effective July 1997. He was previously Director of the Ohio State University Press.

Coalition for Networked Information: Clifford A. Lynch was named Executive Director effective July 14. He was previously Director of Library Automation at the University of California Office of the President.

Council on Library Resources/Commission on Preservation and Access: The Council on Library and Information Resources (CLIR), formed by the merger of the Council on Library Resources and the Commission on Preservation and Access, announced that the National Digital Library Federation will become one of its programs. Information on the NDLF is available at the following site <http://lcweb.loc/loc/ndlf> or by contacting Deanna Marcum, CLIR President <dmarcum@clir.org>.

National Commission on Libraries and Information Science: Executive Director Peter Young left May 30 to head the Cataloging Distribution Service at the Library of Congress. He served as NCLIS Executive Director since 1990. Jane Williams will serve as Acting Executive Director.

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August 1997

CALENDAR 1997

September 11-12	ACLS/AAUP/ARL: The Specialized Scholarly Monograph in Crisis or How Can I Get Tenure If You Won't Publish My Book? Washington, DC
October 14-17	**ARL Board and Membership Meeting Washington, DC**
October 26-27	CNI Fall Task Force Meeting Minneapolis, MN
October 28-31	EDUCOM '97 Minneapolis, MN

ARL/OMS Workshops

September 4-5	ARL Diversity Workshop: Fostering a Climate for Diversity Washington, DC
September 18-19	ARL Workshop: License Review and Negotiation: Building A Team-Based Institutional Process, hosted by the Boston Library Consortium Boston, MA
September 29-30	OMS Workshop: Work Redesign Chicago, IL
October 1-2	OMS Workshop: Process Improvement Chicago, IL
October 9-10	ARL Diversity Workshop: Cross-Cultural Communications Skills Washington, DC
October 21-22	OMS Workshop: First Steps Toward a Learning Organization Washington, DC
November 4-7	OMS Institute: Library Management Skills Institute I: The Manager Cincinnati, OH
November 20-21	ARL Workshop: License Review and Negotiation: Building A Team-Based Institutional Process, hosted by CIC Chicago, IL

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A BIMONTHLY NEWSLETTER OF RESEARCH LIBRARY ISSUES AND ACTIONS

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Current Issues

Library Associations Endorse Principles for Licensing Electronic Resources

by Mary M. Case, Director, ARL Office of Scholary Communication

Six library associations have endorsed a draft set of principles to guide the library community in negotiating license agreements for access to electronic resources and to provide licensors with a sense of the issues of importance to libraries and their user communities.

In the evolving electronic environment where technology and legislation are in transition, providers of electronic resources are employing license agreements as a legal means of protecting their investments and controlling the use of their products. Coordinated by ARL and funded by a grant from the Special Libraries Association, the six associations designated a working group to develop a statement that would help libraries understand the complexities involved in licensing, the dangers in signing away rights, and potential unintended consequences on copyright legislation.

The working group developed drafts of the principles and distributed them to various committees within the organizations for review and comment. The final draft, reprinted below, is being distributed widely and is open to comment until Spring 1998, when a final version will be prepared. The *Principles* are an important first step in offering an opportunity for discussion and education on this important topic.

Principles for Licensing Electronic Resources

FINAL DRAFT, July 15, 1997

Introduction

License agreements are a fact of life in conducting business in the electronic environment. Providers of electronic information resources are employing licenses as a legal means of controlling the use of their products. In the electronic environment where the traditional print practice of ownership through purchase is being replaced by access through license, libraries need to be aware that licensing arrangements may restrict their legal rights and those of their users. As responsible agents for an institution, librarians must negotiate licenses that address the institution's needs and recognize its obligations to the licensor.

To help provide guidance in this continuously evolving environment, the American Association of Law Libraries, American Library Association, Association of Academic Health Sciences Libraries, Association of Research Libraries, Medical Library Association, and Special Libraries Association have combined to develop a statement of principles. These six associations represent an international membership of libraries of all types and sizes. The intent of this document is two-fold: to guide libraries in negotiating license agreements for access to electronic resources, and to provide licensors with a sense of the issues of importance to libraries and their user communities in such negotiations.

The Principles are available on the Web at: <http://arl.cni.org/scomm/licensing/principles.html>.

Legal Background

A license agreement is a legal contract—"a promise or set of promises constituting an agreement between the parties that gives each a legal duty to the other and also the right to seek a remedy for the breach of those duties. Its essentials are competent parties, subject matter, a legal consideration, mutuality of agreement, and mutuality of obligations." [Black's Law Dictionary, 6th edition, 1990, p. 322.] Key to the concept of a

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contract is the fact that it is an agreement, a mutually acceptable set of understandings and commitments often arrived at through discussion and negotiation. Most commercial contracts are intended to spell out the mutual understandings between buyer and seller for products or services.

Although the original contract document may be the work product of either the buyer or seller, in a licensing situation, it is generally the seller (or licensor) who has prepared the agreement. It is imperative that the buyer (or licensee) review the terms of the agreement and communicate concerns to the licensor before signing it. Discussion may continue until either agreement is reached or a decision is made not to contract for the particular product or service. In the area of licensing electronic resources, failure to read and understand the terms of the agreement may result in such unintended consequences as:

- the loss of certain rights to uses of the resource that would otherwise be allowed under the law (for example, in the United States, such uses as fair use, interlibrary loan, and other library and educational uses);
- obligations to implement restrictions that are unduly burdensome or create legal risk for the institution; or,
- sudden termination of the contract due to inappropriate use by a member of the user community.

Given the obligations that a contract creates for an institution and the possible liability associated with not meeting those obligations, most institutions will delegate the authority to sign contracts to a specific office or officer within the institution. In many institutions, this signatory authority will reside in the purchasing department, legal counsel's or vice president's office, or the library director's office, although in some institutions, a library staff member may be granted authority for signing license agreements. Nevertheless, library staff will often be responsible for initial review and negotiation of the material terms of the license because they have the most knowledge of the user community and of the resource being acquired. Library staff should be well informed of the uses critical to the library's user community (for example, printing, downloading, and copying).

An important category of license agreements is that including "shrink wrap" and "click" licenses. Such licenses are commonly found on the packaging of software, appear when software is loaded, or appear, sometimes buried, on web sites. The terms of these licenses are made known to the user at the time the product is purchased, or just before or during use. The user has only two options: accept the license terms or do not use the software, electronic product, or web site.

Traditional contract terminology defines these agreements as "contracts of adhesion," because there are no formal negotiations between licensor and licensee. Hence, the rules of use are imposed by one side, rather than evolved through a discussion leading to a mutual understanding or "meeting of the minds." While many courts reject these contracts or rewrite particular terms on the basis of equity, one cannot assume that the terms are unenforceable. In fact, some states are in the process of passing legislation that makes shrink wrap or click licenses enforceable. A purchasing library should consider contacting the licensor directly to determine if there are any license terms which can be modified to fit the special needs of libraries. Often, if there are competing products which can satisfy the user's needs equally well, exceptions to the form agreement may be negotiated. If negotiation is not possible, it is suggested that legal counsel be consulted for an opinion of enforce ability prior to accepting or rejecting the product.

The following principles are meant to provide guidance to library staff in working with others in the institution and with licensors to create agreements that respect the rights and obligations of both parties.

Principles for Licensing Electronic Resources

1. A license agreement should state clearly what access rights are being acquired by the licensee—permanent use of the content or access rights only for a defined period of time.
2. A license agreement should recognize and not restrict or abrogate the rights of the licensee or its user community permitted under copyright law. The licensee should make clear to the licensor those uses critical to its particular users including, but not limited to, printing, downloading, and copying.
3. A license agreement should recognize the intellectual property rights of both the licensee and the licensor.
4. A license agreement should not hold the licensee liable for unauthorized uses of the licensed resource by its users, as long as the licensee has implemented reasonable and appropriate methods to notify its user community of use restrictions.
5. The licensee should be willing to undertake reasonable and appropriate methods to enforce the terms of access to a licensed resource.
6. A license agreement should fairly recognize those access enforcement obligations which the licensee is able to implement without unreasonable burden. Enforcement must not violate the privacy and confidentiality of authorized users.
7. The licensee should be responsible for establishing

policies that create an environment in which authorized users make appropriate use of licensed resources and for carrying out due process when it appears that a use may violate the agreement.

8. A license agreement should require the licensor to give the licensee notice of any suspected or alleged license violations that come to the attention of the licensor and allow a reasonable time for the licensee to investigate and take corrective action, if appropriate.

9. A license agreement should not require the use of an authentication system that is a barrier to access by authorized users.

10. When permanent use of a resource has been licensed, a license agreement should allow the licensee to copy data for the purposes of preservation and/or the creation of a usable archival copy. If a license agreement does not permit the licensee to make a usable preservation copy, a license agreement should specify who has permanent archival responsibility for the resource and under what conditions the licensee may access or refer users to the archival copy.

11. The terms of a license should be considered fixed at the time the license is signed by both parties. If the terms are subject to change (for example, scope of coverage or method of access), the agreement should require the licensor or licensee to notify the other party in a timely and reasonable fashion of any such changes before they are implemented, and permit either party to terminate the agreement if the changes are not acceptable.

12. A license agreement should require the licensor to defend, indemnify, and hold the licensee harmless from any action based on a claim that use of the resource in accordance with the license infringes any patent, copyright, trade-mark, or trade secret of any third party.

13. The routine collection of use data by either party to a license agreement should be predicated upon disclosure of such collection activities to the other party and must respect laws and institutional policies regarding confidentiality and privacy.

14. A license agreement should not require the licensee to adhere to unspecified terms in a separate agreement between the licensor and a third party unless the terms are fully reiterated in the current license or fully disclosed and agreed to by the licensee.

15. A license agreement should provide termination rights that are appropriate to each party.

Appendices

A. Terms to be Defined by the Licensee Within a License Agreement

A license agreement should define clearly the terms used and should use those terms consistently throughout. The licensee should take responsibility for defining the following terms appropriate to its user community:

- archive
- authorized use
- authorized user
- concurrent use
- institution
- local access
- local area network
- remote access
- simultaneous use
- site
- wide area network

B. Resources on Licensing

Brennan, Patricia, Karen Hersey, and Georgia Harper. *Licensing Electronic Resources: Strategic and Practical Considerations for Signing Electronic Information Delivery Agreements*. Washington: Association of Research Libraries, 1997. Also on the web <http://arl.cni.org/scomm/licensing/licbooklet.html>.

LibLicense: Licensing Electronic Resources. Website and Discussion List. 1996. <http://www.library.yale.edu/~Llicense/index.shtml>.

University of Texas System
Contains a range of resources related to copyright in the library. Includes an interactive Software and Database License Agreement Checklist. <http://www.utsystem.edu/ogc/intellectualproperty/cprtindx.htm>

C. Sources Consulted

The Working Group would like to thank a number of individuals and organizations for sharing with us drafts, notes, and memos about licensing principles that are not publicly available. Other sources the Working Group consulted are included in Appendix C of the web version of the *Principles*. We would also like to thank the many individuals—librarians, vendors, publishers, and lawyers—who reviewed earlier drafts and provided excellent feedback, and the Special Libraries Association for providing the funding for this effort.

Members of the Working Group

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AIP/APS PREVAIL IN SUIT BY GORDON AND BREACH; G&B TO APPEAL

On August 26, 1997, a U.S. District Court decision was issued in the law suit filed by Gordon and Breach Science Publishers against the American Institute of Physics and the American Physical Society (AIP/APS). The court found in favor of AIP/APS.

Gordon and Breach Science Publishers is an international commercial publisher of over 300 journals in the fields of physical and social sciences, arts and business. Among their publications are 46 physics journals. The American Institute of Physics is an umbrella organization of not-for-profit physics societies, including the American Physical Society. Both AIP and APS publish physics journals.

Gordon and Breach had filed its complaint in the U.S. District Court on September 23, 1993 claiming that studies on the cost effectiveness of journals, conducted by Henry H. Barschall, a physicist at the University of Wisconsin, and published by AIP and APS, "constitute a literally false advertisement" in violation of the Lanham Act.

The Barschall study showed that the physics journals published by AIP and APS were among the most cost-effective of all physics journals, as measured by cost-per-character and the frequency with which journals are cited. The study compared some 200 physics journals. After a bench trial conducted in June of this year, Judge Leonard B. Sand found in favor of the AIP/APS affirming that:

> *Barschall's methodology has been demonstrated to establish reliably precisely the proposition for which defendants cited it—that defendants' physics journals, as measured by cost per character and by cost per character divided by impact factor, are substantially more cost-effective than those published by plaintiffs. Plaintiffs have proved only the unremarkable proposition that a librarian would be ill-advised to rely on Barschall's study to the exclusion of all other considerations in making purchasing decisions. This consideration in no way makes Barschall's study or defendants' descriptions thereof false, and accordingly judgment is granted to defendants.*

The District Court also observed that, based on the data presented at trial, that "regardless of the measures used, G&B's journals consistently scored at the bottom" of a cost-effectiveness ranking.

Gordon & Breach Science Publishers immediately announced their intention to appeal the decision to the U.S. Court of Appeals for the Second Circuit.

Gordon and Breach has also brought similar suits against AIP/APS in Germany, Switzerland and France. The AIP/APS prevailed at every level of the German court system and recently prevailed in Switzerland in a case that is currently under appeal by Gordon and Breach. A French trial court found in favor of Gordon and Breach under strict French comparative advertising laws, and that suit is on appeal by AIP/APS.

Both Gordon and Breach and AIP/APS issued news releases about the U.S. District Court decision. AIP/APS welcomed the decision. Marc H. Brodsky, Executive Director of AIP, stated that "AIP is pleased the Court agreed with the obvious – more information, not censorship, is the appropriate way to address important issues, such as the escalation of journal prices for libraries."

"The issue at hand," according to the Gordon and Breach news release, "was the publishing and use of a survey by Barschall that compared prices of science journals, and which ranked commercially published journals (as opposed to non-profit society journals) at the bottom of a purportedly unbiased survey." Referencing the decision in the French court, the Gordon and Breach news release points out that AIP/APS "...by publishing in their own journals articles which, in scientific guise, have as their goal the denigration of competing journals by presenting them as more expensive and less influential than those published by themselves, committed unfair competition by illegal comparative advertising, for which they must make reparation."

The Gordon and Breach news release also expressed concern that the U.S. District Court "chose to highlight its displeasure with the AIP/APS claims that G&B sought litigious venues to suppress adverse comment upon its journals." According to the District Court decision, AIP/APS "introduced evidence that G&B is engaged in an aggressive corporate practice of challenging any adverse commentary upon its journals, primarily through threatened (and actual) litigation." The decision goes on: "The evidence persuasively demonstrated that the present suit is but one battle in a 'global campaign by G&B to suppress all adverse comment upon its journals.'" What follows in the decision are the facts in four different instances of threats against librarians, scholars and other non-profit societies "because they provide a useful context for understanding the nature of this controversy and plaintiffs' reaction to criticism of their costs." G&B's news release responds to the court's commentary on their practice by affirming that "all businesses need to be able to protect their employees whether scientists, researchers or professionals, from the threat of grave harm to their enterprises."

The Lanham Act and its applicability in this case was described in the court decision.

> *The [Lanham] Act contemplates a free market into which advertisers are not to inject false or misleading information, but in which, as in any free market, it is up to the consumer to see to it that only the product that*

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best serves the consumer's needs is bought. If G&B believes librarians will make more optimal decisions if they consider information other than that provided by defendants, its solution is to augment rather than censor the available truthful information. G&B's arguments that librarians will not adequately discharge their responsibilities if they rely solely on the output of Barschall's methodology are thus best addressed to librarians, not this Court.

The September 13, 1997 issue of the *Newsletter on Serials Pricing Issues* contains an additional statement from Gordon and Breach and a response from AIP/APS. The full text of the Court decision, the two news releases, and links to the *Newsletter* statements are available on the ARL web site <http://arl.cni.org/scomm/gb/opinion.html>.

Mellon Conference Papers Available Online

The Andrew W. Mellon Foundation, in collaboration with ARL, has made available selected papers from the conference, Scholarly Communication and Technology. The two-day conference, organized by the Mellon Foundation and held at Emory University in April 1997, brought together technologists, publishers, librarians, and scholars to discuss the changing nature of scholarly communication in the electronic environment.

Issues under discussion during this two-day event included the economics of electronic scholarly publishing, incorporating technology into academia, the future of consortia and access versus ownership, electronic content licensing, and updates on several electronic scholarly initiatives, such as the Columbia University Online Books Project, Project Muse at Johns Hopkins University, and JSTOR.

The papers can be accessed via the ARL web site at: <http://arl.cni.org/scomm/scat/index.html>. For further information please contact: Richard Ekman (re@mellon.org) or Patricia Brennan (patricia@arl.org).

Making Connections: An Update on Vendor Implementations of the ILL Protocol

by Mary E. Jackson, ARL Access & Delivery Services Consultant

At the 1997 ALA Annual Conference, The Library Corporation (TLC) announced the availability of an annual license for software to run the ISO ILL Protocol for a very modest fee. This announcement is a significant breakthrough for the expedited implementation of the international standard for interlibrary loan communication. TLC's offer provides a quick, inexpensive, and now platform-independent option to other vendors who have not yet incorporated the ISO ILL Protocol functionality into their ILL products and services.

TLC's announcement was made just one week after a meeting of the ILL Protocol Implementors Group (IPIG), at which members confirmed their interest in working together to develop software to implement the Protocol, rather than requiring each vendor to write the same code independently. TLC's offer is one option for joint development of software referred to as the "ILL engine" by ILL Protocol implementors.

All Protocol-compliant ILL systems will include the "ILL engine," but will also include additional, vendor-specific application software. The application software defines how the required messages are displayed or presented to users. It also includes additional system functionality not required by the Protocol itself, such as statistical reports or a database of current patrons.

A Marathon of Meetings Brings Consensus

TLC's announcement is the latest in a series of ILL vendor activities relating to Protocol implementation. In June in Ottawa, the National Library of Canada (NLC) and CISTI hosted three days of ARL's NAILDD Project meetings relating to the ISO ILL Protocol. Nearly 40 individuals from system vendors and document suppliers in the U.S., Canada, United Kingdom, and Sweden attended a series of discussions that included a day-long tutorial on the ISO ILL Protocol, a meeting of the ILL Protocol Implementors Group, and a meeting of the IPIG's ILL Policies Directory Working Group.

The tutorial provided a detailed overview of the Protocol and related documents to system designers and technical representatives of companies and organizations implementing the ILL Protocol. At the tutorial, NLC announced that ISO appointed NLC the official Maintenance Agency for the ILL Protocol. The IPIG meeting was noteworthy for several consensus decisions. The first was to explore joint development of software to implement the Protocol. IPIG members also confirmed that interoperability testing between and among ILL systems is preferable to conformance testing of one implementation against the Protocol.

Other Vendor Developments

Because the ILL Protocol is a complex standard, the IPIG established a two-phase implementation strategy. Phase 1 requires implementation of two of the 21 Protocol messages—ILL-Request and Status-or-Error. Phase 2 implements all remaining messages. In addition, because the Protocol includes many optional messages and data elements, the IPIG agreed to develop a Profile to record the common set of options and choices made by IPIG members. Complete implementation of the Protocol and adherence to the IPIG Profile further ensure ILL system interoperability.

Continued

At each IPIG meeting, vendors share the current status of their implementation. At the June meeting, Ameritech announced it successfully sent and received the two Phase 1 messages with TLC and OCLC. Ameritech thus joins OCLC, The Library Corporation, CISTI, Innovative Interfaces, Inc., DRA, Triangle Research Libraries Network, and U.K.-based Fretwell-Downing in testing of the two Phase 1 messages. IPIG members are primarily sending messages to the testbeds maintained by OCLC and TLC. Many vendors are in the process of implementing the full Protocol, the goal of Phase 2.

Another development announced at the June meeting was that CISTI and TLC successfully installed the "transponder," which converts an EDIFACT encoded message to a BER encoded message. The transponder will enable Canadian libraries generating EDIFACT encoded ILL messages to send them to ILL systems that use BER, such as OCLC, TLC, and others that conform to the IPIG Profile, thereby eliminating a communication barrier between early Canadian implementations and the current IPIG implementations and thus enhancing ILL between libraries in the U.S. and Canada.

The Role of the Implementors Group

The IPIG is functioning as a neutral forum where vendors and developers raise questions about implementation of the international standard for interlibrary loan communication and seek consensus on shared strategies. For vendors and developers, the IPIG is a way to find technical expertise to help with their own implementations, while also monitoring implementations of their competitors. For the library community, the IPIG provides an opportunity to keep our priority of connectivity between ILL systems upfront and visible.

The variety and geographic distribution of IPIG members continues to grow. The recent commitment to implement the ILL Protocol by Endeavor Information Systems (U.S.), Bath Information & Data Services (U.K.), ELiAS (Belgium), and EOS International (U.S.) increases the IPIG membership to 41, representing ten countries. Worldwide implementation of the ISO ILL Protocol will provide communications compatibility among ILL messaging systems in support of international resource sharing.

Evaluating "Protocol-Compliant" Systems

As ILL system vendors begin to market "Protocol-compliant" systems, the NAILDD Project has been asked to develop tools to help library mangers evaluate the extent to which products comply with the international standard. A draft document, *The ISO ILL Protocol: Evaluating Protocol Implementation* was presented in late June to more than 50 library representatives at the Directors Forum on Managing ILL/DD Operations. The draft document was well received by the representatives, who also asked for regular updates from NAILDD on the status of vendor implementations. A similar request was made by NAILDD Project vendor members. The draft document is available on the ARL web site at <http://arl.cni.org/access/access.html>, where additional information will be posted about the progress of vendor implementations. For more information on the ILL Protocol Implementors Group, contact Mary Jackson <mary@arl.org>.

ILL Protocol Implementors Group (IPIG) Membership as of October 1, 1997

AG Canada Ltd.
Ameritech Library Services
Bath Information & Data Services (BIDS) (U.K.)
British Library
CARL Corporation
CILLA Project (Australia)
Canada Institute for Scientific and Technical Information
COPAC (U.K.)
CPS Systems
Committee on Institutional Cooperation (CIC)
DDE-ORG Systems Ltd. (India)
DRA
EBSCOdoc
EDDIS Project (U.K.)
ELiAS (Belgium)
ELib (U.K.)
Endeavor Information Systems
EOS International
FINSIEL (Italy)
Fretwell-Downing (U.K.)
Gaylord
Innovative Interfaces Inc.
JEDDS Project (Australia)
The Library Corporation
LIBRIS (Sweden)
Ruth Moulton (U.K. Consultant)
National Library Board of Singapore
National Library of Australia
National Library of Canada
National Library of Medicine
Network Support, Inc. (Canada)
OCLC
Ovid Technologies
PICA (Netherlands)
RLG
SIRSI
TKM Software (Canada)
Triangle Research Libraries Network (TRLN)
University of Quebec
VTLS
WLN

DIVERSITY

DeEtta Jones, Diversity Program Officer

ARL LAUNCHES LEADERSHIP AND CAREER DEVELOPMENT PROGRAM

The research library workforce has not kept pace with the changing demographics of North American society. In spite of institutional and national recruitment efforts to build diversity within academic library staff, ARL's *Annual Salary Survey* reports that minorities make up just 11.3% of the professional staffs in major U.S. academic, law, and medical libraries. The number of minorities in managerial or administrative positions in the largest academic libraries is even lower: 4.6% are directors (5 out of 109), 5.5% associate or assistant directors (21 out of 382), and 7.7% branch librarians or department heads (151 out of 1,968).

To address the dismal state of professional staff diversity in research libraries, ARL has established the Leadership and Career Development Program (LCDP). Funded by an HEA II-B grant from the Department of Education, the program will prepare racial minority librarians who have at least three to five years experience in the profession for top leadership positions in academic and research libraries.

The LCDP will also encourage racial minority librarians to make particular use of the cultural experience and knowledge gained outside the organization in order to inform and enhance their careers, leadership development, and upward professional mobility. This approach is supported by current management and organizational development theory encouraging explicit inclusion of diversity awareness and application in leadership training programs ("Making Diversity Matter," *Harvard Business Review*, Sept./Oct., 1996).

Program Goals

The goal of the Program is to prepare participants to become more competitive in the promotion process. To achieve this goal, the LCDP will pursue the following objectives:

- strengthening management, leadership, and decision-making skills through a series of practical, experientially-based training activities;
- increasing knowledge of current trends and issues in librarianship, higher education, and scholarly communication;
- developing a network of mentors who will guide and nurture the career development of the participants; and
- providing participants with an opportunity to pursue special projects that contribute to the library profession and build experience and professional visibility within the academic library community.

Two intensive institutes will be combined with an individually-based project development component, conducted under the tutelage of highly committed and knowledgeable mentors drawn from leaders in the academic and research library profession. These components are designed to balance instruction with personal interactions and practical research and writing experience.

The year-long program will be operated by the ARL Diversity Program in collaboration with the Office of Management Services (OMS).

The Big Picture

The ARL Leadership and Career Development Program is designed to complement and extend two other new library efforts to incorporate the skills and talents of a diverse population into the profession. The American Library Association has approved the Spectrum Initiative that aims to provide financial and institutional support for recruiting racial minorities into library and information science graduate schools. In addition, the University of Minnesota Library is creating a training institute for affirmative action library science interns aimed at entry and mid-level professionals. ARL's program is designed to advance minority librarians who have at least three to five years experience in the profession and who have demonstrated potential for leadership.

Each of these programs address different stages in the careers of people in minority groups (graduate study, entry- and mid-level, and top leadership roles). Each program is complementary and together address the strong correlation between recruitment, retention, and promotion.

For additional information regarding these programs contact:

University of Minnesota
Peggy Johnson, Project Director
(612) 624-2312, <m-john@maroon.tc.umn.edu>

American Library Association
Lillian Lewis, Spectrum Initiative Project Coordinator
(800) 545-2433 ext. 4396 , <llewis@ala.org>

Association of Research Libraries
DeEtta Jones, Program Officer for Diversity
202-296-2296 , <deetta@arl.org>.

MARK WINSTON TO SERVE AS VISITING PROGRAM OFFICER FOR DIVERSITY

The ARL Diversity Program is pleased to announce that Dr. Mark Winston, Assistant University Librarian and Assistant Professor at Valdosta State University (Ga.) has been appointed as an ARL Visiting Program Officer. He will work on a variety of projects with Diversity Program Officer DeEtta Jones, including: conducting research, writing articles, developing a series on Diversity Issues in Academic Libraries, and outlining a "Centers of Excellence" proposal.

Dr. Winston is very active at the national level, contributing to the field through publications, research, and presentations at national conferences. He has been a K. Leroy Irvis Fellow at the University of Pittsburgh where he received an MLS and a Ph.D. in Library and Information Science. He also holds a BS in Business Management from Hampton University. Before Valsdosta, he worked at the University of Pittsburgh and the University of Arizona.

Dr. Winston may be reached at Odum Library, Valdosta State University, Valdosta, Georgia (email <mwinston@valdosta.edu>).

BUILDING THE BRIDGE AS YOU WALK ON IT: DEVELOPING UBC'S COMMUNITY OF TRAINERS

by Margaret Friesen, Staff Training and Development Coordinator, University of British Columbia Library; and Kathryn J. Deiss, OMS Senior Program Officer for Leadership Development

The following article describes the building of an in-house community of trainers at the University of British Columbia Library.

Catalyst Event

The University of British Columbia Library's automated library system, developed in-house over the past 30 years, served its users well in many ways. However, as is the case in many academic libraries, changes in technology, user demand and the need for a single, unified system with greater versatility required a move to a new system. DRA was chosen as the new system with four modules to be installed: PAC, circulation, cataloguing, and acquisitions/serials.

The conversion process from the old to the new system was to be fast-tracked, occurring during a brief lull at the beginning of the summer term (April-May 1997), with implementation decisions still to be made as they arose during the process of converting a large catalogue. Solving changes in workflow and developing training strategies would also have to be developed just-in-time and through several iterations. This fast-tracked approach to implementation required an equally flexible training process. The approach taken was to develop a web of support that encouraged lateral communications, innovative curriculum design, teamwork, and risk-taking, while, at the same time, providing structure, safety nets, and removal of administrative and operational barriers. Building the training program in this iterative way for 329 FTE staff required a community of trainers.

The Environment

Concurrent with the conversion to a new automated library system was the physical move to the new "main"/ humanities and social sciences library, the restructuring and merging of its public and technical services, and the revival of the Information Services division, which is responsible for user education and generic staff training on OPAC reference/information services. Plans for training on the DRA system evolved from the library's Staff Training and Development (STD) plan and program, which were developed and implemented over five years, as described in detail in *Advances in Library Administration and Organization*, (v. 14, 1996, p. 63-94).

Conduits and Cables

During 1996, all staff received individual e-mail accounts, and a listserv and online suggestion box were created to encourage lateral as well as hierarchical communications. At the same time, the Staff Training and Development Committee programmed a series of seminars on the "softer" communications skills related to managing change and transition, conflict resolution and facilitation roles. Attendance was voluntary, and a majority of staff attended. Information about planning for DRA implementation was disseminated in regular columns of the staff bulletin, through periodic staff information sessions, and through the distribution by e-mail of management committee meeting minutes.

Building the Scaffolding

UBC Library contracted with ARL's Office of Management Services (ARL/OMS) for five days of its Training Skills Institute (TSI). The UBC-tailored Training Skills Institute, facilitated by Kathryn Deiss and George Soete, was developed for 50 trainers, 25 each in two seminars. These seminars consisted of 12 or 13 experienced trainers from each of the four functional DRA modules. Two-thirds of the participants were library assistants, the remaining third were librarians. The ratio of public to technical services staff was 50:50.

This merged "community of trainers" was to be instrumental in transforming the library staff and library users from a "know-nothing" state to a "know-something" state by using adult education principles that had been learned or reinforced in the TSI sessions. The TSI did at least four things: it brought people together who would not have met in the normal course of events; it introduced a common language for planning training; it provided the opportunity to learn (and share) common skills, such as learning styles and design options; and it provided a forum to develop the initial list of concerns and challenges.

Foundation

The training structure was provided by the Training Task Group (TTG), a sub-group of the DRA Project Implementation Team, with members from all four modules: PAC, circulation, cataloguing, and acquisitions/serials. This team developed the framework for the individual module plans, ensuring training standards; bridging training activities between modules; identifying training gaps; and providing communications, coaching, logistical, and advisory support. The TTG also developed the following assumptions, the foundation for each module's plan:

- The DRA system will evolve. Therefore, the staff training plan and program will also evolve.
- It is possible to get the training done and it is possible to learn the new system building on previous knowledge of information technology.
- Supervisors will permit staff to take training and will need to make adjustments in scheduling while staff members are being trained.
- Formal and informal training is supported.
- The training and learning process is messy, a moving target.

- Adult education principles apply: people learn differently; training and learning are creative processes; and training and learning are never finished.
- Productivity requirements will need to be adjusted to accommodate training and learning.
- It is the responsibility of the library to provide training; it is the responsibility of the staff member to learn.
- Mistakes are to be expected and mistakes are acceptable.

Building the Bridge

With the foundation laid, the scaffolding up, and the vendor and general training framework in place, the community of trainers began its massive curriculum development work. The fifty trainers, augmented by another dozen, split into subgroups to develop the plan for each of the modules.

The first plan to be finished, the PAC module plan, provided a model for other groups to follow or adapt. It addressed the fundamental questions:

- Who needs training?
- Who does the training?
- How?
- When?
- What training gaps are identified?
- What is the content?

As soon as the training plans for each module were drafted, they were posted to the library's DRA web page along with training schedules, information on training materials, a common DRA vocabulary, hot-lines, frequently asked questions and their answers, and updates on implementation deadlines.

Cross-Bracing

Following the TSI seminars, the trainers developed ground rules for working with each other. These included eliminating barriers between public/technical services and professional/library assistant categories through such specific acts as sharing of information and documentation, cross-communications via e-mail, adopting a common language for DRA "talk," and opening pilot sessions and dress rehearsals to each other. Two follow-up meetings to the Training Skills Institute were held to identify and clear roadblocks, to share information and to confirm support by the Training Task Group and library administration. Concerns and challenges identified during these sessions were addressed or referred to the library administration as they emerged.

The overriding concern for the training designers was that their plans were being developed at the same time as DRA implementation decisions were being determined. Specific procedures were incorporated into training scripts only hours or days after implementation decisions were made. Scripts and documentation changed frequently. The bridge was being built as the trainers were crossing it.

Nuts and Bolts

The TG chair's primary role during the design and implementation phases was to be available for troubleshooting, coaching, helping develop plans, reviewing scripts, and matching training needs with appropriate trainers. Assumptions developed by the Training Task Group were reviewed, revised, and repeated as often as needed to allay fears, create breathing space, and draw in support from supervisors.

Trial Runs and Inaugural Day

Implementation day, May 20, 1997, came and went with ribbon-cutting celebrations; shaky first steps; subsequent adjustments; revisions to scripts, schedules and content; and a sense of relief in passing this milestone. It had taken 630 hours of preparation time by over 50 trainers to develop 18 topics/segments leading to 252 scheduled hours of start-up staff training. Assuming an average of 15 participants per session, this translates into 3,780 hours of learning time between April and "day one." Individual and group coaching, problem solving and troubleshooting are not included in these figures. Factors leading to the success in building the community of trainers were:

- the library administration's support for the training approach;
- recruiting a large group of trainers from the beginning;
- developing and adapting new training skills learned at the TSI;
- experience in developing training plans and programs;
- a history of hands-on training sessions in information technology;
- universal access to speedy e-mail communications;
- familiarity with a succession of "change" events, such as the restructuring process;
- adopting a flexible, non-bureaucratic, and non-hierarchical training process; and
- accepting draft versions of documentation.

In addition, trainers and learners demonstrated behaviors typical of emergency situations:

- acceptance of learning on the fly;
- willingness to cross boundaries and clear obstacles;
- seeking support from lateral sources; and
- eagerness to offer helping hands.

Common Ground

The community of trainers continues its bridge building work. Although much of the training in this operational phase of implementation now occurs within functional units, the trainers and learners still maintain contact. They have no option. The new system requires everyone to work from common ground, that is, from a single automated record to which information and value are added as the work flows through the various functions. The common goal, building the information record for our users, reinforces the sense of community.

Continued

OMS ANNOUNCES 1997/98 TRAINING INSTITUTES

ARL's OMS Training & Leadership Development Program designs and delivers learning events which specifically integrate leadership and managerial concepts with immediately applicable workplace skills. Each program is supported by research, the development of rich resource materials for participants, and a unique approach built on the most basic tenet of adult learning: adults learn best by experiencing and then reflecting on that experience in a non-threatening, supportive environment. As key theories, concepts, methodologies, and techniques are explored, developed, and practiced, participants will strengthen management, leadership, analytical, creative, and interpersonal skills. Training faculty encourage colleagues to exchange views and learn from others who share common organizational experiences and concerns.

The 1997/98 calendar of OMS Training Institutes (including descriptions) is available on the ARL Web site <http://arl.cni.org/training/ index.html>. To register for or to obtain more information about any of these events, please contact Christine Seebold, OMS Program Assistant, <cseebold@arl.org>, at 202-296-8656, ext. 141, or fax 202-872-0884.

OMS Training and Leadership Development Institutes

Fall 1997

THE ASSISTANT/ASSOCIATE DIRECTOR IN ACADEMIC LIBRARIES: ROLES & ISSUES
November 11–14, 1997, Baltimore, MD

HUMAN RESOURCES INSTITUTE: THE HUMAN RESOURCES SPECIALIST
November 17–19, 1997, Washington, DC

FACILITATION SKILLS INSTITUTE
December 10–12, 1997, San Diego, CA

January-December 1998

TRAINING SKILLS INSTITUTE: MANAGING THE LEARNING PROCESS
January 21–23, 1998, Tucson, AZ
facilities by: University of Arizona

LIBRARY MANAGEMENT SKILLS INSTITUTE I: THE MANAGER
March 10–13, 1998, Seattle, WA
facilities by: University of Washington
November 16–19, 1998, Washington, DC

LIBRARY MANAGEMENT SKILLS INSTITUTE II: THE MANAGEMENT PROCESS
May 4–7, 1998, Los Angeles, CA
facilities by: University of Southern California

FACILITATION SKILLS INSTITUTE
May 12–14, 1998, Denver, CO
October 7–9, 1998, Washington, DC

LEADING CHANGE
October 27–28, 1998, Chicago, IL

JOINT ARL DIVERSITY/ OMS PROGRAM

ORGANIZATIONAL CULTURES: AN EXPLORATION
November 13–14, 1997, Washington, DC

A key to successful organizational transformation is the ability to assess current dynamics, strengths, and weaknesses of an organization's culture, and plan a future course of activity that reinforces the institution's developmental mission. The aim of this workshop is to help organizations develop strategies for transformation on the basis of a structured and substantive organizational diagnosis. To assist organizational teams assess the actual state of their organizational culture, the *Institute* will blend empirical research with input from members of the organization and experiential learning opportunities. Teams will also engage the lessons learned from transformations that are occurring in other libraries by discussing topics such as power relationships, workplace inclusivity; and high-performing, accountable teams.
$1000 PER INSTITUTIONAL TEAM

For registration or more information, please contact Marianne Seales, ARL Program Assistant, <marianne@arl.org>, at 202-296-2296, or fax 202-872-0884.

STATISTICS & MEASUREMENT

Julia C. Blixrud, Senior Program Officer

TRENDS IN PRESERVATION ACTIVITIES

by Martha Kyrillidou, Senior Program Officer for Statistics and Measurement

The recently issued *ARL Preservation Statistics 1995-96* provides statistical information on the current level of preservation efforts in U.S. and Canadian research libraries and on the key organizational, functional, and fiscal components that characterize preservation programs.

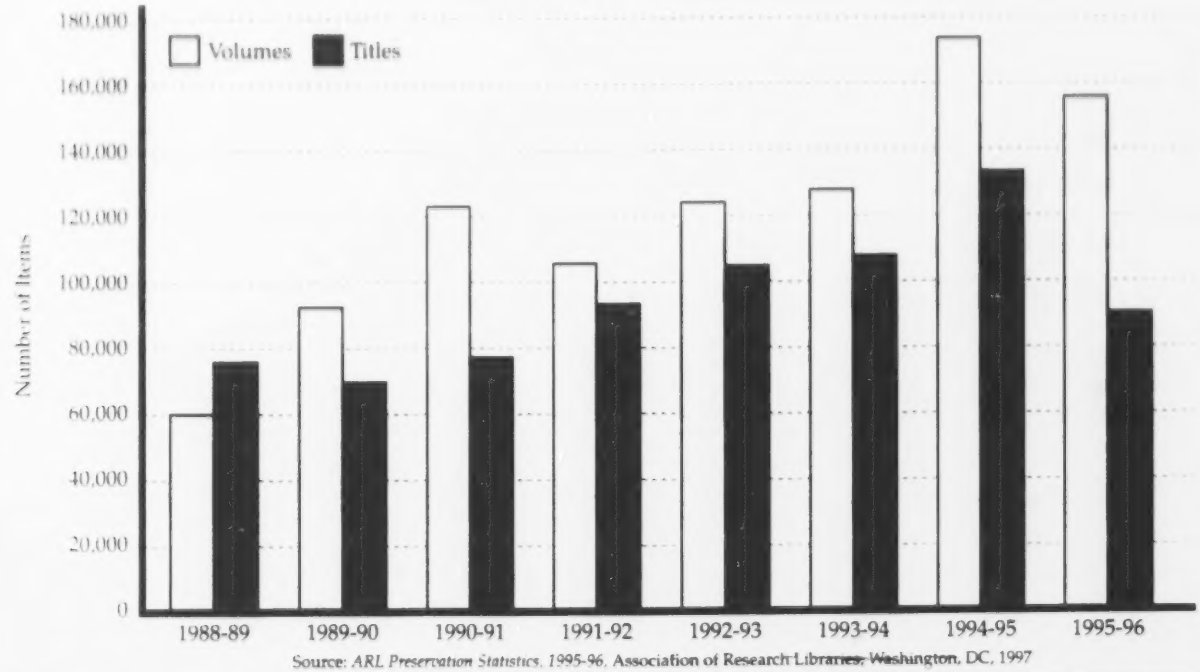
Among the significant developments that took place in research libraries in the 1980s was the emergence of preservation programs, configured as distinct administrative units, separately staffed, funded, and administered. Since 1987-88, the number of programs managed by a preservation administrator has grown irregularly from 66 to around 80 in more recent years. The data offer persuasive evidence that preservation programs have become a standard unit in research libraries although there has not been an increase in the number of new programs established. Starting in 1994-95, a preservation administrator is defined as one who "spends at least 25% of his or her time managing a partial or comprehensive preservation program."

A fluctuating growth in preservation expenditures and staffing across the ARL membership accompanied the development of preservation programs. Since 1993, preservation expenditures have begun to level off and 1995-96 data indicate for the first time a slight decline. Preservation expenditures for ARL's 116 reporting member libraries as a whole were $77,069,334, about two million less than the previous year's expenditures. Total preservation staff, as well as conservation activities, generally declined. Only Level 2 and 3 (intermediate and major) contract conservation treatment numbers increased, whereas all indicators of microfilming activity (titles, volumes, and exposures) declined in 1995-96.

Availability of external funds continues to play a critical role in preservation activities. In 1988, the National Endowment for the Humanities (NEH) began a multi-year, expanded cooperative preservation microfilming program. Since then, ARL libraries have participated extensively in that program. University libraries in the aggregate reported that special grants from external sources accounted for about 11% of the total preservation expenditures. Grant funds were expended predominantly on preservation microfilming projects. The accompanying chart highlights the trend of the last eight years and shows an important decline in microfilming activities in the most recent year.

The *ARL Preservation Statistcs 1995-96* is available for $35 to member libraries and $65 to nonmembers (plus $6 shipping and handling per publication). Please contact ARL Publications, Department #0692, Washington, DC 20073-0692; (202) 296-2296; or email <pubs@arl.org>.

PRODUCTION OF PRESERVATION MICROFILM MASTERS



Source: *ARL Preservation Statistics, 1995-96*, Association of Research Libraries, Washington, DC, 1997

COALITION FOR NETWORKED INFORMATION

Clifford Lynch, Executive Director

IDENTIFIERS AND THEIR ROLE IN NETWORKED INFORMATION APPLICATIONS

by Clifford Lynch, Executive Director, Coalition for Networked Information

Editor's Note: When the Association of American Publishers' proposed Digital Object Identifier system reached a level of news that was worthy of a headline in the New York Times *(First Business Page, Sept. 22, 1997), we turned to CNI for this reality check on the new, high profile role of identifiers.*

Identifiers are an enormously powerful tool for communication within and between communities. For example, the International Standard Book Number (ISBN) has played a central role in facilitating business communications between booksellers and publishers; it has also been important to libraries in identifying materials. The International Standard Serial Number (ISSN) plays a pivotal role in facilitating commerce among publishers, libraries, and serials jobbers; it is also vital to libraries in managing their own internal processes, such as serials check-in. Bibliographic utility identifier numbers such as the OCLC or RLIN numbers are used in duplicate detection and consolidation in the construction of online union catalog databases.

The traditional bibliographic citation can be viewed as an identifier of sorts, albeit one that is not rigorously defined; it has many variations in style, and data elements based on editorial policies. Yet the ability to cite is central both to the construction of the record of discourse for our civilization and to the development of scholarship; the citation plays an essential role in allowing authors to reference other works, and in permitting readers to locate these works.

The assignment of identifiers to works is a very powerful act; it states that, within a given intellectual framework, two instances of a work that have been assigned the same identifier are the same, while two instances of a work with different identifiers are distinct. The use of identifiers outside of their framework of assignment, though, is often problematic. For example, normal practice assigns a paperback edition of a book one ISBN and the hardcover edition another, so bookstores can distinguish between these versions, which usually vary in price and availability. But ISBNs are also used sometimes in bibliographic citations; in this situation, when the content and pagination of the hardcover and paperback editions are identical, either will serve equally well for a reader tracking down a citation, and the inclusion of an ISBN as an identifier for the cited work may actually cause problems because it is making an unnecessary distinction (for this purpose) among versions of the same work.

A great deal of scholarship involves the development of identifier systems that allow scholars to name things in a way which makes distinctions and recognizes logical equivalence—ways of identifying editions of major authors or composers, variations in coinage having numismatic significance, or the identification of chemicals, proteins, or biological species. Often the rules for assigning identifiers to objects are the subject of ongoing scholarly debate and form a key part of the intellectual framework for a field of study.

Identifiers take on a new significance in the networked environment. To the extent that a computational process can allow a user to move from the occurrence of an identifier to accessing the object being identified, identifiers become actionable. For example, in the World Wide Web links can be constructed between the entries in an article's bibliography and digital versions of the cited works, links that can be traversed with a mouse-click. The significance of making a citation actionable is so great that it has been the subject of several recent lawsuits—for example, the litigation between Microsoft and Ticketmaster about the inclusion of links to Ticketmaster's web pages in Microsoft's web service over Ticketmaster's objections, which remains pending as of this writing. Another interesting case involved a service on the Web called Totalnews, which included citations and offered access to many other services, "framed" by the Totalnews service. The case was recently settled out of court and failed to establish a precedent.

If one translates these practices under legal challenge, particularly in the Microsoft v. Ticketmaster case, into analogous practices in the print world, one can view this litigation as questioning whether one author remains free to cite the work of another without permission—which is certainly a well established practice in print, and a profoundly important right to lose in the networked environment. Of course, this is just one interpretation of the Microsoft v. Ticketmaster case—it is complicated by a number of commercial factors. Yet it helps to illustrate what is at stake in establishing identifier systems, the control of the use of identifiers, and the practices surrounding them.

In the networked information environment, we have recently seen the emergence of a number of important new identifiers, some of which are relatively mature, and others that are still under development. The remainder of this article briefly discusses a number of these identifiers.

URLs and URNs

Uniform Resource Locators (URLs) are a class of identifiers that became popular with the emergence of the World Wide Web. We first saw them on web pages, later in newspaper advertising and on the sides of buses, and then everywhere; currently they serve as the key links between physical artifacts and content on the Web, as well as providing linkage between objects within the Web.

URLs have clearly been very effective; yet they are unsatisfactory in one very major way. They are really not names, in that they don't specify logical content, but, rather, are merely instructions on how to access an object. URLs include a service name (such as "FTP" for file transfer or "HTTP" for the Web's hypertext transfer protocol) and parameters that are passed to the specified service—

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most typically a host name and a file name on that host, both of which may be ephemeral. From a long-term perspective, the service name is also ephemeral—for example, content may well outlive a specific service (as has already been the case with the GOPHER service). It is important to recognize that URLs were never intended to be long-lasting names for content; they were designed to be flexible, easily implemented and easily extensible ways to make reference to materials on the Net.

The Internet Engineering Task Force (IETF), which manages standards development for the Internet, realized the limitations of URLs for persistent reference to digital objects several years ago, and as a result began a program to develop a parallel system called Uniform Resource Names (URNs). The IETF URN working group recognized that the URN system must accommodate a multiplicity of naming policies for the assignment of identifiers. Roughly speaking, the syntax of a URN for a digital object is defined as consisting of a naming authority identifier (which is assigned through a central registry) and an object identifier which is assigned by that naming authority to the object in question; the specific content of the identifier may have structure and significance to users familiar with the practices of a given naming authority, but has no predefined meaning within the overall URN framework. Note that the URN syntax does not specify an access service for the object, unlike a URL.

The second key idea in the URN framework is that of resolution services or processes—which may be as complex as new network protocols and infrastructure (analogous to the Domain Name System, for example) or processes as simple as a database lookup—which translate a URN into instructions for accessing the named object. Systems which provide resolution services are called "resolvers"; sometimes the IETF work also refers to "resolution databases" which provide the mapping from names to object locations and access services. URNs are resolved to sets of URLs which provide access to instances of the named digital object. A URN may resolve to more than one URL because there are copies of the digital object that have been replicated at multiple locations such as mirror sites, or because the URN (as defined by the relevant naming authority) specifies the object at a high degree of abstraction, and multiple manifestations of the object (for example, in different formats, such as ASCII, SMGL and PDF) are available. There is no explicit requirement that the URN to URL resolution process expose the mapping from an abstract definition of content to a variety of specific manifestations; it is equally legitimate for the choice of format to be made as part of a prototol negotiation in evaluating a URL when using a sophisticated protocol such as the Z39.50 Information Retrieval Protocol, which supports such negotiation. As the location and means of access for objects change, the resolver's database is updated; thus, resolving a URN tomorrow may return a different set of URLs.

Today's standard browsers do not yet understand URNs and how to invoke resolvers to convert them to URLs, but hopefully this support will be forthcoming in the not too distant future. One can reasonably view the URN framework as the means by which both existing and new identifier systems will be moved into the networked environment. The URN framework is intended to be sufficiently flexible to subsume virtually all existing bibliographic identifiers (sometimes referred to as "legacy" identifier systems); for example, the IETF working group documented how the ISSN, ISBN, and SICI might be implemented as URNs.

The IETF uses the term Uniform Resource Identifiers (URIs) as a generic name to cover both URLs and URNs, along with the still immature concept of Uniform Resource Characteristics (URCs), which can be thought of as structures which allow one or more URNs (perhaps from different naming frameworks) to be related both to sets of URLs and to metadata describing the objects identified by the URNs and URLs. The Coalition for Networked Information is active in the IETF standards work on URIs.

The OCLC Persistent URL (PURL)

As a stopgap measure to address some of the problems with the persistence of URLs, about two years ago OCLC deployed a system called the PURL (Persistent URL). Basically, PURLs are HTTP URLs where the usual hostname has been replaced with the host "PURL.ORG" and the filename is an identifier for the "real" content being referenced. The PURL.ORG host will be maintained for the long term by OCLC under that name; when someone registers an object with this PURL server they provide the current hostname and filename for the object and the PURL server creates a database entry linking this hostname and filename to the identifier that will appear in the PURL. When the PURL server is contacted because someone is evaluating a PURL, it looks up the identifier in its database, finds out where the object in question currently resides, and uses the redirect feature of the HTTP protocol to connect the requester to the host housing the object. Content providers are responsible for sending updates to the PURL server when the content file name and/or location changes.

PURLs share the idea of indirection—looking up an identifier in a database to find out where the object is currently stored—with URN resolvers as a means of achieving persistence. They are a very clever and practical design, in that they work with the existing installed base of web browsers. However, they are not truly names, since they only permit content to be accessed through a specific service, namely HTTP. PURLs will probably no longer work as new protocols appear that supersede HTTP, and as content migrates to access through such successor protocols.

The SICI Code and Related Developments

The Serial Item and Contribution Identifier (SICI) code was recently revised by a standards committee under the auspices of the National Information Standards Organization (NISO), the ANSI-accredited standards

Continued

body serving libraries, publishers, and information service providers; it is described in American National Standard Z39.56-1996. The SICI relies in an essential way on the ISSN to identify the serial, and can be used to identify a specific issue of a serial, or a specific contribution within an issue (such as an article, or the table of contents).

The SICI code is starting to see wide implementation and is likely to serve a central role in a number of applications; it can be used not only to identify articles, but also to link citations from article bibliographies or abstracting and indexing databases to articles in electronic form. It is an important part of the infrastructure that supports ARL's NAILLD program to streamline interlibrary loan and document delivery. One of the great strengths of the SICI is that it can be determined directly from an issue of a journal (or an article within the issue), assuming only that the ISSN for the journal can be somehow determined. As such, it represents an open standard for creating linkages to articles or other serial components.

Also under NISO auspices, work has just begun on a new identifier with the working name of Book Item and Contribution Identifier (BICI). The BICI can be used to identify specific volumes within a multivolume work, or components such as chapters within a book. There are still a number of unresolved issues surrounding the exact scope of this standardization effort, both in terms of the range of works that it applies to (for example, sound recordings as well as books) and the level of granularity of the identifier (for instance, whether it can identify a specific illustration or table within a work, something the SICI is not currently designed to do).

Both ARL and CNI are heavily involved in the SICI and BICI work; Julia Blixrud of ARL chairs the BICI committee, of which Clifford Lynch from CNI is a member, as are representatives of several other ARL and CNI member organizations. ARL is an institutional member of NISO.

The Digital Object Identifier (DOI)

In the past few months, the Association of American Publishers (AAP) and their technical contractor, the Corporation for National Research Initiatives (CNRI), have issued a great deal of publicity about a new identifier called, rather grandly, the Digital Object Identifier (DOI). The DOI is based on CNRI's *The Handle System*™, a very general identifier system that fits roughly within the URN framework, and that provides a mechanism for implementing naming systems for arbitrary digital objects. Thus far, the DOI has been demonstrated within the context of online consumer acquisition of intellectual property and perhaps for this reason it is somewhat difficult to disentangle the proposed DOI standard, the demonstration implementation of the DOI, and applications enabled by it. Major demonstrations of the DOI system are scheduled for the Frankfurt Book Fair in October 1997.

There are a number of misconceptions surrounding various aspects of the DOI. Its development does not mean that everything on the Web will become pay-per-view; rather, the DOI provides a method for collecting revenue for access to material that is described by a DOI (either on a one-time license or pay-per-view basis), if the organization that owns the rights to the object wishes to do this. Some objects described by DOIs may be accessible without charge. DOIs in and of themselves are only identifiers, and do not imply that any sort of copyright enforcement mechanisms (like an "envelope" or other secure container) will be bundled with the objects that they describe; the presence or absence of such copyright enforcement technologies is an entirely separate issue. These copyright enforcement technologies can be used with objects described by all sorts of identifiers, not just DOIs.

I believe there are some legitimate concerns about the use of DOIs as a means of implementing actionable citations among works on the Web, since this is likely to mean that the author of the citing work will need to obtain the DOI of the work that he or she wishes to cite either from the owner of the cited work or from some third party, and accessing a citation would then involve interaction with the DOI resolution service, raising privacy and control issues. But the notion that the use of DOIs will make the networked environment "safe" for proprietary intellectual property in a way that it is not today is as improbable as the idea that the introduction of DOIs, as one type of commonly used URN, will somehow convert the entire Web into a pay-per-view environment.

Discussions with the DOI developers suggest that the DOI's role will be as an identifier of content that is available for acquisition; there is currently some ambiguity as to whether it actually identifies content directly or if it simply identifies a method of acquiring content (such as an order screen). It is also extremely unclear under what circumstances similar objects are assigned distinct DOIs. Current plans seem to be to carefully control what organizations are permitted to assign DOIs, limiting the groups to "legitimate" publishers; thus, a DOI is hoped to offer some "brand name" confidence to consumers purchasing content on the Net. DOIs will be assigned to content as it is made available for acquisition, and perhaps removed from the DOI database as content is withdrawn from availability for acquisition. It is important to recognize that there does not seem to be consensus on most of these issues at present within the DOI developer community, which underscores the uncertainties about the potential roles and utility of the DOI outside of its use as a means for consumers to acquire content.

In general, one cannot determine the DOI assigned to a digital object, or even whether the object has a DOI, unless the object carries it as a label. However, this can be confusing, because some publishers use, for those digital objects which are within the scope of the SICI, the SICI code as their (publisher-assigned) identifier. The implications of this practice will require careful examination and analysis. It is also unclear what role the DOI can usefully play in identifying material outside of acquisitions—for example, for material that is already licensed and is part of a library's collection, where it would be desirable to resolve "bibliographic" links to this material, but when it is

inappropriate to connect library patrons to the acquisitions apparatus defined by the DOI.

It appears that DOIs can be implemented within the IETF URN framework, though there are a few messy details having to do with character coding; to the best of my knowledge, no documentation has yet been developed which spells out these details.

Recently, representatives of the DOI developer community have asked CNI to work with them to help to increase understanding of the DOI's objectives and roles, particularly as they relate to library services, and to help to suggest ways in which the DOI might be made more useful to the broader bibliographic community. NISO has also been active in trying to relate the publishing community work on DOIs to the broader needs of the full NISO constituency, and held a workshop in June 1997 to begin developing requirements for general purpose bibliographic identifiers in the networked environment.

The DOI, as it currently seems to be evolving, is likely to be a useful tool to permit consumers to acquire content from publishers on the Net with some confidence about who they are doing business with. My present concerns with it relate to the lack of clarity surrounding many aspects of this identifier, the very broad applicability implied by the name DOI, which doesn't seem to be consistent with its actual definition (something like Publisher Object Access Identifier, or something similar, might be more accurately descriptive), and the very real potential dangers that are raised if this identifier is pressed into broader uses, such as a means of implementing navigable citations in digital documents. In a very real sense, there are no bad identifiers, but it is very possible to put identifiers to bad or inappropriate uses.

Conclusions

Many new identifier systems are appearing; some have been developed specifically for the networked information environment, while others are long-standing identifiers that are being brought forward into the digital context. When evaluating a new identifier system, there are a number of essential questions to ask:

1. What is the scope of the identifier system—what kinds of objects can be identified with it? Who is permitted to assign identifiers, and how are these organizations identified, registered, and validated?
2. What are the rules for assigning new identifiers; when are two instances of a work the same (that is, assigned the same identifier) within the system, and under what criteria are they considered distinct (that is, assigned different identifiers)? What communities benefit from distinctions that are implied by the assignment of identifiers?
3. How does one determine the identifier for the work, and can one derive it from the work itself, or does one need to consult some possibly proprietary database maintained by a third party? To what class of objects are the identifiers applicable? Within this class of objects, is there an automatic method of constructing identifiers under the identifier system, or does someone have to make a specific decision to assign an identifier to an object? If so, who makes this decision, and why? Note that, if the identifier cannot be derived from the identified work, it is unsuitable for use as a primary identifier within any system of open citation. The act of reference should not rely upon proprietary databases or services.
4. How is the identifier resolved—that is, how does one go from the identifier to the identified work, or to other identifiers or metadata to permit the instances of the work to be located and accessed? Again, what is the role of possibly proprietary third party databases in resolving the identifier? Do the operator or operators of these resolution services have monopoly control over resolution? What are the barriers to entry for new resolution services? What are the policies of the resolution services in areas such as user privacy and statistics gathering?
5. How persistent is the identifier across time? Can one still resolve it after the work ceases to be commercially marketed? Identifiers that rely on the state of the commercial marketplace are very treacherous for constructing citations or other references that can serve the long-term social or scholarly record.

All of the new identifiers are likely to be useful to some community, for some purpose, but it will be essential to determine what roles each new identifier is suitable for, and to avoid using various types of identifiers in roles that are inappropriate. The URN framework being established by the IETF invites all communities who are coming to rely on networked information to carefully consider what they need from identifier systems, and whether those needs are best served by defining new identifier systems.

Resources on Identifiers

URLs are defined in Internet RFC 1738. Functional Requirements for URNs are defined in Internet RFC 1737, and the syntax details are defined in RFC 2141. There are also a number of experimental resolver systems that are currently being deployed on a prototype basis on the Internet (see, for example, RFC 2168). There are also a number of internet drafts that are currently moving towards RFC status (see under "draft-ietf-urn" in internet drafts) that cover areas such as resolver system requirements and the use of bibliographic identifiers as URNs. See <http://ietf.org>.

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FEDERAL RELATIONS

Prudence S. Adler, Assistant Executive Director-Federal Relations and Information Policy

CONGRESS DELIBERATES ON COPYRIGHT

Last month, implementing legislation for two international copyright treaties adopted by the World Intellectual Property Organization (W.I.P.O.) was introduced in Congress. In addition, the W.I.P.O. treaties were forwarded for Senate consideration.

Sen. Ashcroft Introduces Balanced Copyright Legislation

The W.I.P.O. treaties' implementing legislation, S.1121 and H.R. 2281, an Administration proposal, is very limited in scope and extremely problematic. In contrast is the balanced copyright legislation introduced by Senator Ashcroft of Missouri. The Ashcroft bill, the Digital Copyright Clarification and Technology Act of 1997, S. 1146, sets the appropriate tone and context for discussions of how best to update the Copyright Act to meet the digital environment.

Key elements of the Ashcroft bill include:

- clarification that fair use does apply to the digital environment;
- provisions ensuring that digital technologies may be used for preservation purposes under certain circumstances;
- provisions supporting distance education activities;
- more balanced W.I.P.O. implementing provisions relating to anti-circumvention measures and copyright management information;
- provisions that make explicit the fact that electronic copies of material incidentally or temporarily made in the process of using a computer or network may not serve as the sole basis for copyright intringement liability; and
- provisions regarding online service provider liability issues.

ARL and members of the Digital Future Coalition support S. 1146 because the bill includes many important issues that merit attention and action. The language of the Ashcroft bill broadens the scope, and thereby changes the nature, of the upcoming debate. A summary of the legislation, prepared by the Digital Future Coalition (DFC), is available at <http://www.arl.net/dfc/docs/onpg.htm>.

House Hears Conflicting Views on Copyright

In a series of hearings with 24 witnesses, the House Subcommittee on Intellectual Property and the Courts heard widely divergent views on W.I.P.O. implementing legislation (H.R. 2281), and on legislation to address online service provider (OSP) liability issues (H.R. 2180). Two themes which emerged during the course of the two days were the need to address the perceived rampant piracy of information products, music and software in particular, and how fair use could be negated by provisions in the proposed legislation.

W.I.P.O. Implementing Legislation – H.R. 2281

Witnesses ranged from Johnny Cash, who noted that one of his greatest hits could be found on an illegal web site abroad, to Douglas Bennett, President of Earlham College and representing the Digital Future Coalition, who stressed the importance of achieving balance between the interests of owners, users, and creators of proprietary works. The panels were fairly evenly divided. Content industries, such as those in the music, movie, and publishing industries, expressed strong support for the W.I.P.O. implementing legislation. In contrast, those in the library, education, high technology, consumer electronics, and telecommunications industries spoke in opposition to the legislation, characterizing it as overreaching and failing to address critical issues, such as fair use.

Responding to H.R. 2281, both Bruce Lehman, Commissioner of Patents and Trademarks, and Marybeth Peters, Register of Copyrights, concurred that the bill, "fully and adequately implement the obligations of the new W.I.P.O. treaties." Under questioning by Rep. Boucher (D-VA), Commissioner Lehman conceded that, indeed, the legislation exceeded what was called for by the treaties. In addition, with regard to one section of H.R. 2281, Marybeth Peters acknowledged that fair use would be virtually excluded under this legislation, as a user could not exercise that privilege.

Several members of the Subcommittee focused on the risks that the proposal posed to fair use. Rep. Frank (D-MA) pressed witnesses from the content industries about the need to include new provisions to ensure that fair use survives intact under this new regime. Universally, witnesses representing content industries opposed new language supporting fair use. In fact, under questioning by Rep. Frank, Michael Kirk of the American Intellectual Property Law Association noted that there should not be access to works without the permission of authors, "disavowing the fair use" doctrine, according to Rep. Frank. Many of these concerns were shared by Rep. Lofgren (D-CA), particularly the broader impact of these proposals on all library and education exemptions and of encryption technologies in denying access to resources.

Rep. Boucher took the opportunity offered by the hearing to announce that he would introduce a bill to address the shortcomings of the H.R. 2281. Key elements of the Boucher bill include:

- a provision that the fair use doctrine apply with full force in the digital environment;
- the concerns of libraries and educators by assuring the applicability of the first sale doctrine in the digital environment; and
- the needs of educators, by authorizing the use of data networks for distance education.

Online Service Provider Liability Issues – H.R. 2180

H.R. 2180 was introduced last July by Rep. Coble (R-NC) as a starting point for discussion among groups seeking to clarify online service provider (OSP) liability issues. Similar to the division among communities regarding W.I.P.O. implementing legislation, there was again a clear difference of opinion regarding the need for greater clarification of such issues. Libraries, educators, and telecommunications and high-technology sector witnesses all spoke in favor of the bill and of the need for certainty regarding liability in the networked environment. Robert Oakley, Professor of Law, Georgetown University Law Center, and Director of the Law Library, speaking on behalf of 23 non-profit education and library associations, including ARL, noted that:

- copyright law should foster an environment in which the broadest possible spectrum of the public enjoys the educational and cultural benefits of the Internet;
- any liability system ultimately adopted should permit the use of state-of-the-art "navigational" systems and practices to facilitate access to information; and
- any service-provider liability regime adopted should respect and incorporate the general practices and principles adopted by libraries and educational institutions to protect individual privacy.

Jack Valenti, head of the Motion Picture Association of America, spoke in support of the status quo and echoed the concerns of the content industries opposing the legislation. He noted that, "some service providers paint a terrorizing script of their own. They assert that the burden of taking steps to prevent and detect online piracy will be crushing, that it will stunt the growth of the Internet and take down with it many of the high-flying cyberspace ventures. As for the assertion that the threat of infringement liability is a dagger pressed against the jugular of the Internet,...is not so...and a legal status quo...functions well."

Although Rep. Convers (D-MI) called for an immediate mark-up of H.R. 2281, enough members of the Subcommittee expressed reservations with the legislation that further debate and discussion on both bills is expected.

Government Information Reform Moves Forward

Discussions between Congressional and Executive branch staff regarding how best to reform government printing and procurement, including updating the federal depository library program to meet the challenges of the digital age, continue to progress in positive directions.

Those participating in the discussions have agreed upon six key elements as the basis for a future legislative proposal. These dovetail with the principles proposed by the library community. The elements provide an opportunity to move beyond the current impasse, particularly the Executive branch's belief that it is unconstitutional for the Government Printing Office (GPO), a Legislative branch agency, to provide printing and procurement services for another branch of Government.

The points of agreement for a future legislative proposal are:

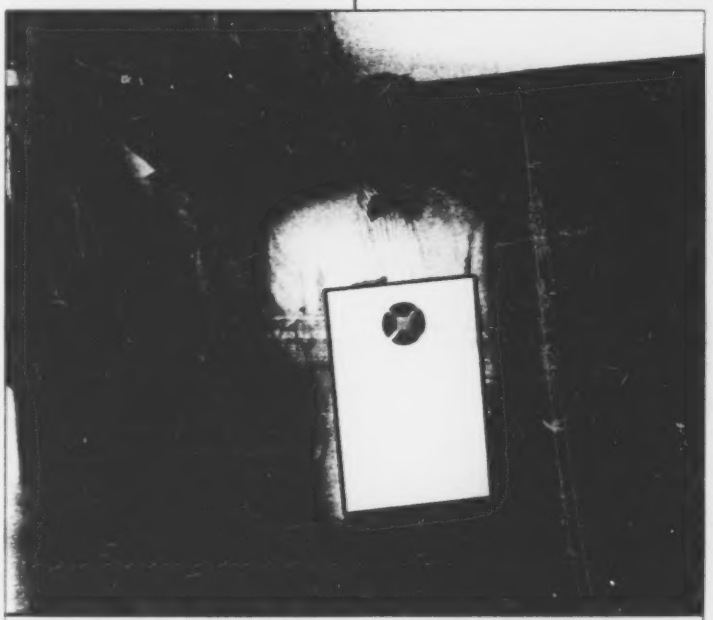
- The GPO will continue to operate in the Legislative branch and will handle the production and procurement of Congressional printing. In addition, GPO will be available to Executive and Judicial branch agencies as an optional agent through which agencies may procure printing and publication services.
- The Superintendent of Documents will continue to be a Legislative Branch employee, responsible for the Depository Library Program, and for the cataloging and sales program.
- Executive and Judicial branch agencies will be permitted an increased choice in how they acquire printing services. They may chose to buy from or through the GPO—as they do today. They may procure through one of a handful of Executive or Judicial branch "Executive agents" or, based on the nature of the work to be performed, they may contract directly with a private sector printing source. Agency in-house printing—in all three branches—will be greatly limited.
- By operation and contract regulation, agencies will be required to notify the Superintendent of Documents prior to the production of information products that are likely to be of interest to the public so that the Superintendent may "ride" or have access to the production order for the Depository Library Program.
- Failure by agencies to make timely notification to the Superintendent will be prevented, and if necessary, corrected by a variety of safeguards, including the requirement that the agencies provide copies of the fugitive documents to the Superintendent at their own expense.
- Provisions will be made for long-term access to electronic documents.

ARL Activities

G. Jaia Barrett, Deputy Executive Director

ARL Honors Stanley N. Katz

The ARL Board of Directors, at their meeting in Washington, DC on July 28, honored Stanley N. Katz for his distinguished contributions to research libraries and the scholarly community, specifically his leadership in influencing and shaping the future of scholarly communication. This summer, Dr. Katz resigned as President of the American Council of Learned Societies. He served eleven years as President, during which time he established exceptionally effective working relationships with the leadership of research libraries.



ARL President Gloria Werner, Director of Libraries at UCLA, and ARL Executive Director Duane Webster present Stanley N. Katz (center) with a certificate honoring his contributions as President of the American Council of Learned Societies.

Honors

Camila Alire, Colorado State University, was awarded the Elizabeth Futus Catalyst for Change Award, which honors a librarian who invests time and talent to make proactive change in the profession.

Richard Dougherty, former Library Director at the University of Michigan, was awarded the Joseph W. Lippincott Award for distinguished service to the profession.

James G. Neal, Director of Libraries at Johns Hopkins University and ARL President-elect, was named the 1997 ACRL Academic/Research Librarian of the Year.

Paul Evan Peters, founding Director of the Coalition for Networked Information, was honored posthumously with the LITA/Gaylord Award for 1997.

William G. Potter, Director of Libraries at the University of Georgia, was named the recipient of the Hugh C. Atkinson Memorial Award, which is jointly sponsored by three divisions of ALA.

The Oklahoma State University Library's *Plug Into the World* campaign won the prestigious John Cotton Dana Public Relations Award from ALA. The campaign succeeded in increasing the enrollment in the library's electronic training class by 98% over the previous year.

Sarah M. Pritchard, former ARL Associate Executive Director and currently Director of the Smith College Library, was awarded the Equality Award for outstanding contribution in promoting the equality of women and men in the library profession.

Pamela Samuelson, professor of information management and of law at UC-Berkeley, was awarded one of this year's 23 MacArthur Fellowships by the John and Catherine MacArthur Foundation, citing her study of how modern methods of communication are affecting intellectual property rights.

Robert Wedgeworth, University of Illinois, was awarded the Melvil Dewey Medal for creative professional achievement.

LC Announces Mellon Foreign Area Fellowship Awards

The Library of Congress Office of Scholarly Programs announced the results of the first Mellon Foreign Area Fellowship Competition. The post-doctoral fellowships, made possible by The Andrew W. Mellon Foundation, were designed to support research that uses LC's extraordinary foreign-language and area-studies collections. Stipends were awarded to:

Jeffrey Bale, Lewis and Clark College, to examine legal inquiries and parliamentary commissions from several European countries to study a network of underground guerrilla organizations set up in these countries during the 1950's.

Ann Farnsworth-Alvear, University of Pennsylvania, to review Colombian legal documents, ethnographic films, and historical maps for a project on how

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subsistence farmers in the rainforest regions of Colombia have successfully used ecological arguments to sustain their rights to land.

Cheryl Haldane, Institute of Nautical Archeology at Texas A&M, to examine documents and maps about the international seaborne trade system between Istanbul and China in order to provide a broader context for the archeological finds of an excavated mid-18th century shipwreck off the Egyptian Red Sea coast.

Thomas E. Keirstead, SUNY-Buffalo, to examine a range of Japanese historical writings for varying interpretations of "middle ages," a concept developed in Japan in the 1890s.

Frans Coetzee and **Marilyn Shevin-Coetzee**, George Washington University, to study the consequences of WWI on civilian populations in Germany and Britain. At LC, they will work with wartime pamphlets, periodicals, posters, newspapers, judicial decisions, and parliamentary debates.

Competitions for the award will be held again in 1998 and 1999. Materials about the 1998 competition are expected to be available by fall. Contact Prosser Gifford, Director of the Office of Scholarly Programs, Library of Congress.

TRANSITIONS

UC-Irvine: Shirley Y. Leung was named Interim University Librarian.

Iowa State: Olivia M.A. Madison is Interim Dean of Library Services.

Notre Dame: Jennifer A. Younger was appointed Director of Libraries effective October 15. She was Assistant Director for Technical Services at Ohio State University for the past 6 years.

Syracuse: David H. Stam has announced his intention to retire as University Librarian during the summer of 1998.

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CAUSE, Educom: The governing boards of these two higher education information technology and resource management associations have announced their intent to join forces and create a new organization. The tentative effective date is Spring 1998. The two organizations have worked closely for more than a decade and among their many joint projects was the formation, with ARL, of the Coalition for Networked Information. The activities and governance of CNI will be unaffected by this action. More information about the formation of the new organization may be found on the CAUSE web site <http://www.cause.org/admin/neworg.html>.

In addition, Educom announced the appointment of Mark Luker as Educom Vice President with responsibilities for networking, effective in early 1998. He was director of the Division of Information Technology and chief information officer at the University of Wisconsin-Madison for five years. For the past 18 months, he was on leave to serve at the National Science Foundation as program director of NSFNet.

Center for Research Libraries: Milton T. Wolf was named Vice President for Collection Development Programs, effective at the end of this calendar year. He is currently Director of Collection Development at the University of Nevada, Reno.

Council on Library and Information Resources: CLIR, formed by the merger of the Council on Library Resources and the Commission on Preservation and Access (CPA), has announced two staff appointments. Abby Smith was named Preservation and Access Program Officer, effective September 15. She comes from the Library of Congress, where she worked since 1988 collaborating with curators and subject specialists to formulate preservation strategies for special collections. She has graduate degrees in Russian history. At CLIR, she will develop projects, activities, and publications of the CPA. Donald J. Waters was named Director of the National Digital Library Federation, effective October 6. He comes to CLIR from the Yale University Library, where he served as the Associate University Librarian responsible for systems, preservation, central acquisitions and cataloging, government documents, and the social sciences and sciences libraries. He has graduate degrees in anthropology. CLIR's new offices are located at 1755 Massachusetts Avenue, NW, Suite 500, Washington, DC 20036.

Government Printing Office: On September 12, the retirement of Superintendent of Documents Wayne Kelley was announced.

National Endowment for the Humanities: In August, President Clinton announced plans to nominate William R. Ferris, Jr., an internationally renowned folklorist and anthropologist, to replace Sheldon E. Hackney as chairman of the NEH. Dr. Ferris is currently director of the Center for the Study of Southern Culture at the University of Mississippi. Senate confirmation is expected, but not before Dr. Hackney's departure. In the interim, Bruce Lehman, the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, was named Acting Chairman of NEH. Mr. Lehman will serve on an interim basis and retain his responsibilities in Commerce.

ARL

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CALENDAR 1997-98

1997

November 16–18	NASULGC '97 Washington, DC
November 20–21	ARL Licensing Workshop Chicago, IL
December 2–5	CAUSE97 Lake Buena Vista, FL

1998

January 9–14	American Library Association Midwinter Meeting New Orleans, LA
February 5–6	**ARL Board Meeting Washington, DC**
March 19–20	ARL Licensing Workshop Chapel Hill, NC
April 14–15	Coalition for Networked Information Spring Task Force Meeting Arlington, VA
May 12–15	**ARL Board and Membership Meeting Eugene, OR**
June 25–July 2	American Library Association Annual Conference Washington, DC
July 27–28	**ARL Board Meeting Washington, DC**
October 13–16	**ARL Board and Membership Meeting Washington, DC**

FOR 1997/98 OMS TRAINING & LEADERSHIP DEVELOPMENT INSTITUTES, SEE PAGE 10.

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A BIMONTHLY NEWSLETTER OF RESEARCH LIBRARY ISSUES AND ACTIONS

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December 1997

Current Issues

MEASURING THE PERFORMANCE OF INTERLIBRARY LOAN AND DOCUMENT DELIVERY SERVICES

by Mary E. Jackson, ARL Access & Delivery Services Consultant

FINDING: On average, the unit cost to research libraries to borrow an item on interlibrary loan is $18.35, and the cost to lend an item is $9.48. Average borrowing turnaround time is 16 calendar days, the borrowing fill rate is 85%, and the lending fill rate is 58%.

FINDING: The ten research libraries with the best performance for borrowing, e.g., lowest costs, highest fill rates, and fastest turnaround times, recorded unit costs of just less than $12.00, filled 90% of all requests from local patrons, and received material in 13.5 calendar days or less. For lending, the ten research libraries with the lowest unit costs and highest fill rates incurred direct unit costs of just less than $7.50 and filled 75% of all lending requests received.

FINDING: On average, ILL operations in college libraries have better performance measures than ILL operations in research libraries.

These findings and others are emerging from the Interlibrary Loan and Document Delivery (ILL/DD) Performance Measures Study, a two-year effort to measure 1995/96 performance of ILL departments in North American research and college libraries. The Study examined four performance measures: cost, fill rate, turnaround time, and user satisfaction. The Study also examined the differences among libraries and identified characteristics of low-cost, high-performing ILL operations to suggest strategies for other research and college libraries to improve local performance.

The 119 participants of the ILL/DD Performance Measures Study included 97 research libraries, largely members of ARL, and 22 members of the Oberlin Group, an informal affiliation of highly competitive liberal arts colleges in the U.S. Most participants (108) submitted data from a central ILL department; the other 11 participants were either branch or departmental libraries. A total of 21 of the 97 research libraries are private universities, as are all of the Oberlin Group participants. Sixty-four of the research libraries also participated in a 1992 ARL/RLG ILL Cost Study.

As the performance measures of ILL/DD operations in research and college libraries are sufficiently different and because participants are interested in comparing their own performance with peer institutions, findings of each group are reported separately. Data from the 97 research libraries were used to calculate aggregate data for research libraries; data from the 22 Oberlin Group libraries were used to calculate aggregate data for the academic libraries. However, to assure confidentiality of institutions, data on libraries in the highest (90%-100%) and lowest (0%-10%) ranges are excluded from published charts and graphs. For example, the table accompanying this article summarizes the range of findings for the middle 80% of the participants.

The Findings: Research Libraries

As the accompanying table illustrates, there is a wide range of performance among ILL operations in research libraries. However, on average, a research library spends $18.35 to obtain an item for a local patron. A borrowing request takes on average

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Continued

16 calendar days to be filled, and the borrowing fill rate is 85%. The patrons who used ILL during a six-week sampling period were overall very satisfied with ILL services.

Of the 16-day average turnaround time, research libraries take four days to send a request to the first potential supplier, 11 days to receive the item, and one day to notify the patron. Requests for books and other returnables take on average three days less than requests for copies of journal articles and other non-returnables. In seven days or less, research libraries secure one-quarter of borrowing requests for book loans and one-third of photocopy requests.

On average, a research library spends $9.48 to fill a lending request from another library, and has a 58% fill rate as a lender. Therefore, assuming that both the borrower and lender are research libraries, the average cost for a completed ILL transaction in 1996 was $27.83.

An objective of the study was to isolate and understand the characteristics of best practices of ILL/DD lending and borrowing operations. The first step toward this objective was identification of libraries with a combination of lowest unit costs, highest fill rates, and fastest turnaround time. Since the measure of user satisfaction proved almost uniform across all participating institutions, it was not a significant variable in this part of the study. Among all 97 research libraries participating, the ten with the best borrowing and the ten with the best lending performance were identified for closer analysis. The ten borrowing operations with the best performance measures have unit costs of just less than $12, fill rates of 90% of all requests from local patrons, and received material in 13.5 calendar days. The ten high-performing lending operations in research libraries have unit costs of just less than $7.50 and fill 75% of all lending requests received. Site visits to "best performers" are currently underway to interview staff about work flow and other characteristics of the operations.

The Findings: College Libraries

College library interlibrary loan performance was better overall, comparable only to the performance of the top performing research libraries. A college library spends on average $12.08 to obtain an item for a local patron. A borrowing request is filled on average in 11 days, and the borrowing fill rate is 91%. As with the ILL users at research libraries, the college library ILL users sampled during the study also reported satisfaction with interlibrary loan services.

Of the 11-day average turnaround time, college libraries take 2.5 days to send a request to the first potential supplier, eight days to receive the item, and half a day to notify the patron. Requests for books and other returnables take on average one day less than requests for copies of journal articles and other non-returnables. In seven days or less, college libraries secured one-half of all borrowing requests.

College libraries spend $7.25 on average to fill a lending request, and their lending fill rate is 65%. The average cost for a completed ILL transaction between two college libraries in 1996 was $19.33.

RANGE OF ILL/DD PERFORMANCE IN RESEARCH AND COLLEGE LIBRARIES, 1996

ILL VOLUME & PERFORMANCE MEASURES	RESEARCH LIBRARIES			COLLEGE LIBRARIES		
	LOW	MEAN	HIGH	LOW	MEAN	HIGH
Total Transactions	12,967	40,571	69,124	5,449	11,968	19,053
Borrowing	3,457	13,407	25,263	2,448	6,858	13,645
Lending	6,893	27,722	47,974	2,049	5,109	7,880
Unit Cost						
Borrowing	$9.76	$18.35	$27.84	$6.39	$12.08	$18.50
Lending	$4.87	$9.48	$16.34	$4.75	$7.25	$10.08
Fill Rate						
Borrowing	75%	85%	93%	85%	91%	97%
Lending	43%	58%	78%	54%	65%	87%
Turnaround Time (days)						
Total	10.2	15.6	22.0	6.7	10.8	16.9
Returnables	10.4	16.9	25.8	6.6	11.4	18.0
Non-returnables	9.8	14.9	22.4	6.3	10.4	16.6
User Satisfaction						
Timeliness	88%	94%	99%	84%	92%	99%
Quality	94%	97%	100%	94%	98%	100%
Staff	85%	95%	100%	94%	98%	100%

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Comparing Research and College Library ILL Performance

Comparing the performance of the 97 research and the 22 college libraries highlights a number of differences: volume of requests filled; unit cost; fill rate; and, for borrowing, the average turnaround time.

On average, research libraries fill nearly twice the number of borrowing requests (13,407 to 6,858) and five times the number of lending requests than college libraries (27,722 to 5,109).

The average borrowing unit cost for research libraries ($18.35) is one-third higher than the average for college libraries ($12.08). For lending, research libraries incur 30% more costs on average than do college libraries ($9.48 to $7.25).

The average borrowing fill rate for college libraries is 6% higher than research libraries (91% to 85%) and the average lending fill rate is 7% higher (65% to 58%).

College libraries also recorded faster turnaround time. For loan requests (returnables), college libraries received items in 11.4 calendar days, compared with the average 16.9 days for research libraries, nearly six days faster. For photocopy requests, college libraries received items in 10.4 calendar days compared to 14.9 calendar days for research libraries, nearly five days faster.

The only measure in which the performance of college and research libraries was very comparable was that of user satisfaction. Patrons of college and research libraries ranked timeliness of receipt of material, quality, and satisfaction with staff equally high.

Other Characteristics of ILL Operations

The ILL/DD Performance Measures Study asked a series of detailed questions about the character and nature of local ILL operations. On average, research library borrowing was evenly split between returnables and non-returnables, while their lending was one-third returnables and two-thirds non-returnables. College libraries, however, process different levels of loan and photocopy requests. On average, 40% of college library borrowing is for the loan of books and other returnables while nearly 60% of their lending is filled by lending a book or other returnable.

Most libraries transmit and receive ILL requests via one or more electronic messaging systems. OCLC is the most commonly used messaging system for U.S. participants; ENVOY and other email-based systems reflect the Canadian preference for point-to-point communication. College libraries use OCLC ILL-related features such as the ILL Fee Management (IFM) service more extensively than research libraries.

Most of the 119 participants use document delivery suppliers to fill photocopy requests. On average, document suppliers fill 15% of college libraries' photocopy requests and 12% of research libraries' copy requests.

Understanding the Findings to Improve Local Performance

All participants received an Individual Institutional Analysis Report comparing the performance of their local operation with aggregate data from their research or college library peers. The final report of the ILL/DD Performance Measures Study, including analysis of all the major findings, will be published by ARL in early 1998.

To assist libraries in evaluating both the findings of their own performance and the overall findings, a series of workshops is planned for 1998. The workshops are designed to review the general findings of the Study; examine the characteristics ("best practices") of low-cost, high performers; and provide a framework for attendees to improve their own ILL operations. A briefing on the Study's findings will be held on January 9, 1998, prior to the ALA Midwinter Meeting in New Orleans. Additional information about the Study, the status of the final report, and the planned workshops is on the ARL web at <http://www.arl.org/access/access.html>.

Texas Deploys Digital Library Programs for Statewide Learning

In quick succession, the libraries of Texas have announced a series of actions that position them to maximize the use of networks, information technologies, and other digital library concepts to complement, expand, and create new options for providing statewide access to scholarly resources for learning and research.

Academic Library Collection Enhancement Program

A coup by any measure is a $1 million appropriation for fiscal year 1998 by the University of Texas System Board of Regents to strengthen the library collections and information resources of the UT-Austin General Libraries and, through expedited interlibrary services and electronic delivery, enrich the information resources of other University of Texas System libraries.

The $1 million program will be managed by the UT-Austin General Libraries, and acquisitions will be added to UT-Austin library collections. However, cooperative selection of the most appropriate materials and information resources benefiting all UT system libraries is a major focus for this program. The real key to fulfilling the mandate of the program is UT-Austin's ability to share its physical resources through expedited interlibrary loan and its digital library-based capability — embodied in UT Library Online — to provide electronic access to and delivery of information in a variety of formats.

Dr. Michael F. Kelly, director of libraries at UT-San Antonio and chair of the UT System Advisory Committee on Library Affairs, described the project as one representing

Continued

"a new and different phase in UT System interlibrary cooperation as one research library (UT-Austin) acquires resources not only to serve its own needs but also with the express intent of serving needs of other UT System components. The process developed to implement this project," Kelly continued, "will test and expand the limits of cooperation. We will all work for its success."

Knowledge Management Center

The UT initiative to enrich information resources system-wide is further enhanced by the establishment of a statewide Knowledge Management Center (KMC), also under the daily management of the UT-Austin General Libraries staff. KMC represents the formal establishment of ongoing collaborative endeavors of the UT System Libraries and provides the organizational foundation for testing and expanding these endeavors as well as the previously described Academic Library Collection Enhancement Program. Through its establishment, KMC moves a number of activities from their status as "special projects" to ongoing operations.

KMC's goal is to complement the strengths of traditional collections, expand existing services and programs, and, at the same time, create entirely new options for access to scholarly information for the UT System community, including distance learners. For example, the UT-Austin General Libraries Digital Information Literacy Office will play a major role in the creation of the training program component of the KMC by developing a multimedia tutorial for students. Designed for the World Wide Web, the orientation will be available across the state and country. Within the University, the KMC is positioned as a major component of the UT System-wide Information Technology Initiative.

TDLAlliance

To encourage further digital library cooperation throughout the state, a Texas Digital Library Alliance was established under the initial aegis of the five Texas members of ARL — UT-Austin, Texas Tech, Texas A&M, Rice, and The University of Houston — and the Texas State Library and Archives Commission. The TDLAlliance will serve as an informal forum to bring together the leadership of digital library initiatives in Texas to enhance and promote coordinated, efficient, effective, and user-friendly digital information services for the citizens of the state. A primary goal is to encourage representatives of digital library programs supporting K-12, higher education, public library, and life-long learning communities to address common issues in a collaborative fashion.

The formation of the Alliance follows initial discussions in December 1996, at which time representatives of the several learning communities expressed support for such an enterprise. Additional motivation came from formal expansion of the TexShare Library Resources Sharing program. TexShare is a cooperative statewide initiative that has operated for several years. Initially limited to state university libraries but intended to evolve, effective September 1, 1997, TexShare was established as a formal program of the Texas State Library and Archives Commission and opened for public community colleges and independent colleges and universities, raising the number of libraries eligible for TexShare from 53 to over 160.

The five Texas ARL libraries, the Texas State Library, and participants in TexShare represent a major presence in digital library services to support learning in Texas. In recognizing the expansion of the program, Kenneth H. Ashworth, then Commissioner, Texas Higher Education Coordinating Board, in a letter to The Honorable Bob Hunter, chair of the legislative committee that moved the expansion of TexShare through the Texas House of Representatives, addressed the University's role in TexShare: "The success that TexShare has enjoyed has only been possible because of the technical expertise and resources that The University of Texas at Austin has put into it."
A temporary secretariat for the TDLAlliance was established in the General Libraries at UT-Austin <tdla@lib.utexas.edu>.

Roles of Research Libraries

UT Library Online, the UT Knowledge Management Center, and the Texas Digital Library Alliance represent in their totality a truly comprehensive program with applications of digital library concepts to academic programs throughout the state. Harold Billings, Director of the UT-Austin General Libraries, recently wrote about the roles of great research libraries for academic programs throughout a state or nation: "Sustaining a great library does not diminish other libraries. It adds to, builds up, and enlarges the capabilities of other libraries, and is itself strengthened in turn through its collaborative association with others. Training library users and developing new skills in library staff, while sharing collections, sharing digital library resources, and sharing human expertise among all libraries, are critical in these needful times."

All of the programs described in this article have been in various stages of development for some time. However, the actions taken last fall by the State Legislature and the University Regents served to solidify the programs and to recognize the roles of research libraries as essential elements in Texas Digital Library programs.

For more information, contact Carole Cable, Deputy Assistant Director, General Libraries, UT-Austin, at <carole.cable@mail.utexas.edu>.

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FEDERAL RELATIONS

Prudence S. Adler, Assistant Executive Director-Federal Relations and Information Policy

CONGRESS READY FOR COPYRIGHT DEBATE

Copyright Bill Introduced by Reps. Boucher and Campbell

On November 13, Cong. Boucher (D-VA) and Cong. Campbell (R-CA) introduced H.R. 3048, the "Digital Era Copyright Enhancement Act." It is a very balanced bill containing many positive provisions related to fair use, first sale, preservation, distance education, ephemeral copying, and federal preemption issues (i.e., state licensing laws would not preempt or narrow exemptions and limitations in the federal Copyright Act). Unlike the Administration's proposal (H.R. 2281), this bill includes provisions relating to circumvention of technological measures and copyright management information that match the W.I.P.O. treaty language. Provisions in H.R. 2281 go well beyond what is required to implement W.I.P.O. treaty language.

H.R. 3048 sets the appropriate scope of the congressional debate concerning how best to update the Copyright Act to meet the challenges of the digital environment in a balanced manner. The introduction of this and other copyright legislation in the House and Senate sets the stage for meaningful debate on the full range of copyright issues. A complete analysis of the bill is available on the ARL website <http://www.arl.net/dfc/docs/sbsbou.htm>.

House Conducts Hearing on Legislation to Protect Compilations of Information

On October 23, the House Subcommittee on Courts and Intellectual Property held a hearing on H.R. 2652, the Collections of Information Antipiracy Act. The bill, introduced by Chairman Coble (R-NC) seeks to provide additional protections to compilations of information, both print and electronic. The bill seeks to address the concerns of certain parts of the information industry, particularly publishers of large legal databases who may be affected by the 1991 Supreme Court decision, *Feist v. Rural Telephone*. This decision held that comprehensive collections of facts arranged in conventional formats were not protected under copyright, and could not constitutionally be protected under copyright. The decision rejected the notion that a compiler's "sweat of the brow" could ever substitute for the "original authorship" that the statute and the constitutional Copyright Clause require as the condition of copyright-ability.

In addition, some members of the information industry are concerned with a 1996 European Union directive on the legal protection of databases. This directive calls for each member nation to implement a database law by the end of 1997. The directive includes the notion that databases created in non-EC countries will not be granted legal protection, thus, a fear of lack of reciprocity is also prompting segments of the industry to advocate new protections.

Unlike the database bill introduced last year to address these issues (H.R. 3531) and the draft World Intellectual Property Organization (W.I.P.O.) treaty on protection of databases, H.R. 2652 proposes additional protections of collections from a misappropriation approach vs. a sui generis. In other words, it in theory does not create a property right in the database; it simply prohibits the taking of data one has collected. Despite this new approach, an initial reading of the bill surfaces many concerns. For example, the language of the bill is extremely broad and includes few, if any truly meaningful exemptions for scientific research, education, and libraries. It appears that H.R. 2652 would apply to all compiled information, both current and archival. It would also apply retroactively. And, since there is no term limit on protection, this would have serious ramifications for information moving into the public domain and for information staying in the public domain.

A series of witnesses outlined their positions on the egislation, including James G. Neal, Director, Milton S. Eisenhower Library, Johns Hopkins University, and President of ARL, who testified on behalf of the shared legal capability representing ARL, ALA, SLA, AALL, and MLA. He noted five key concerns with the legislation.

- There continues to be no compelling research detailing the need for new protections.
- The legislation encompasses a vast array of information, in part because provisions in the legislation go well beyond the traditional misappropriation doctrine.
- There are no definitions of key terms which are needed to understand the full scope of the legislation.
- The exceptions and exclusions included in the legislation require additional definition to be meaningful.
- The provision relating to government information requires modification to ensure a continued, robust public domain and to ensure that governmental works are not copyrighted.

Supporting additional protections for collections of information were Laura D'Andrea Tyson, consultant to Reed-Elsevier, Inc. and The Thomson Corporation; Paul Warren, Warren Publishing, on behalf of the Coalition Against Database Piracy; and Robert Ledley, Georgetown University Medical Center. Expressing concerns with the proposal were Professor Reichman, Vanderbilt University, and William Wulf, President of the National Academy of Engineering. In addition, C. Judson King, Provost and Senior Vice President, Academic Affairs, University of California, wrote a letter to members of the California delegation who serve on the Judiciary Committee detailing numerous problems with the legislation and calling upon those members to oppose H.R. 2652.

Rep. Coble announced a second hearing on H.R. 2652 for February 1998. The library statement and additional resources are available at: <http://www.arl.org/info/frn/copy/copytoc.html>.

Mary M. Case, Director

THE SPECIALIZED SCHOLARLY MONOGRAPH IN CRISIS, OR, HOW CAN I GET TENURE IF YOU WON'T PUBLISH MY BOOK?

by Patricia E. Renfro, Director, Public Services
University of Pennsylvania Libraries

Approximately 150 faculty, administrators, publishers, and librarians met in Washington, DC, on September 11-12, 1997 to discuss the current state of scholarly communication and the extent of the crisis in scholarly monographic publishing. The conference was co-sponsored by ARL, the American Council of Learned Societies, and the Association of American University Presses, and supported by OCLC and Yankee Book Peddler, Inc. The program aimed to explore key issues from a variety of vantage points and to foster communication across professional boundaries. Papers and discussions focused on:

- changes in the academy and in scholarship;
- expectations for and credentialing of faculty;
- the costs of monographic publishing, both print and digital; and
- current digital experiments in monographic publishing.

Stanley Chodorow, Provost, University of Pennsylvania, led off the conference by emphasizing that the decline of the monograph partly results from economic forces, but also from changes in the intellectual orientation of the humanities. Urging that refereeing and editing be preserved but separated from publication, Chodorow argued that electronic publishing will save 30% of print costs, making possible a revival of the monograph.

Many university press directors present were skeptical about the ability of the new technology to solve the crisis of significant reductions in monographic sales: annual library sales, for example, were generally agreed to have dropped from 750 to 200 copies. Marlie Wasserman, Director, Rutgers University Press, talked of the vicious spiral of low print runs and high prices, and gave a useful analysis of print publishing costs, which demonstrated that overhead, editing, marketing, and refereeing were constants between print and electronic publishing, and that the first three of these represent the largest components of monographic publishing costs. Colin Day, Director of the University of Michigan Press, admitted to a desire to "puncture the panaceas" and "eviscerate the vision" of digital alternatives, and pointed to the troubling cost shift that requires scholars to spend increased time preparing manuscripts for electronic publication and laboriously printing out electronic text.

On the topic of academic credentialing there was considerable agreement, particularly from publishers, that presses ought not wield so much power in the tenure process. Administrators and faculty chronicled changes in the tenure review process in colleges and universities over the past 30 years. Stephen Humphreys, Professor of History, University of California at Santa Barbara, talked of the "ratcheting up of standards by ordinary tenured faculty" and suggested that the crisis in the scholarly monograph is the ironic result of making the Ph.D. degree essential for undergraduate teaching and the consequent oversupply of Ph.D.s. A number of speakers suggested that the focus on monographic publishing as a tenure requirement must change, and John D'Arms, President of the American Council of Learned Societies, advocated that scholars receive mentoring during post-doctoral fellowships.

Asserting that there are still "too many books with too little to say," and pointing out that scholars seldom buy the work of colleagues, Humphreys raised the central question of the conference: What is the real nature of the crisis? Humphreys' conclusion, that the crisis, although very real to the presses, is not a crisis in scholarly communication, was shared by many participants. Joanna Hitchcock, Director, University of Texas Press, noted that faculty generally are not worried about the fate of the monograph, and instead identify an improvement in overall quality as fewer titles are published. Others suggested that increases in the quantity of journal publishing may be providing a forum for material previously published in monographs. Scott Bennett, Yale University Librarian, urged that the discussion focus more broadly on scholarly publishing, asking why university presses are so little engaged with scholarly journals and wondering whether presses best use their resources and talents by publishing large numbers of monographs that have few readers.

Following discussions on the interdependencies of the academy, scholarship, and publishing were descriptions of a number of innovative digital publishing projects. Kate Wittenberg, Editor-in-Chief, Columbia University Press, discussed the Mellon-funded Columbia International Affairs Online (CIAO) initiative to create a database of monographs, conference proceedings, working papers, abstracts, and sites for reader feedback.

Carol Mandel, Deputy Librarian, Columbia University, described the Columbia Online Books Evaluation Project, a multi-year study of online use and costs that combines material from Oxford University Press, Columbia, Garland, and Simon and Schuster. Early findings indicate that online books are used more than their print equivalents, that they get substantive

use as well as browsing, and that they attract interdisciplinary use. Most valued features are searching, browsing, and printing. Cost studies suggest that even at preproduction levels the incremental cost for an electronic version of a book may be modest. Noting that a goal for the project is to retain and expand the library market, Mandel suggested that there is also potential for an expanded market of individual scholars. Future plans include the possibility of developing digital collections and databases in related fields.

Illustrating the trend toward subject-oriented digital publishing, Norris Pope, Director, Stanford University Press, outlined the HighWire Press plans to provide inexpensive access to Latin American material online. Stanford is using the design expertise of computer science students to integrate online text with the local workplace of individual scholars in order to evaluate the economics of online scholarship. Describing the CIC proposal for university publishing, Sheila Creth, University Librarian, University of Iowa, pointed to the powerful combination of interests and expertise resulting from the planned collaboration between presses, libraries, and computing centers.

Some of the most thought-provoking comments of the meeting came from Clifford Lynch, Executive Director, Coalition for Networked Information. Stating categorically that all current evidence points to the fact that electronic versions of print monographs won't work, and that distributed printing of long works is a non-starter, Lynch suggested possible directions for new publishing. Noting that images will be as easy to produce as words, Lynch suggested that new publishing will be visually rich; interactive media will play a key role; a new generation of scholars will be conditioned to write in different ways; effective presentation will be based on non-linearity; and the intricate relationships made possible by the Web will influence scholarship. Some of the issues in this new environment will be: living versus fixed documents, giving / assigning credit, identifying what's new, and dealing with reader expectations.

The conference succeeded in opening a lively dialogue among librarians, scholars, university press publishers, and administrators. It raised more questions than it answered, broadened perspectives, and stimulated new thinking. In her introduction to the meeting, Kate Torrey, Director, University of North Carolina Press, promised that the dialogue would continue; let us hope so.

To sustain and broaden the dialogue initiated at the conference, ARL published the presented papers on the Web <http://www.arl.org/scomm/epub/program/html>, and will publish a print edition in early 1998.

ARL Promotes Competition in Publishing

Responding to the steadily increasing costs of library materials acquired from large commercial publishers and the impact of these price increases on the scholarly process, the Board of Directors of ARL approved the formation of the Scholarly Publishing & Academic Resources Coalition (SPARC). SPARC, whose mission is to be a catalyst for change through the creation of a more competitive marketplace for research information, will promote academic values of access to information for research and teaching and encourage innovative uses of technology to improve scholarly communication.

SPARC will operate as a project of the ARL Office of Scholarly Communication and will seek partnerships with member libraries and institutions, scholarly societies, university presses, and other organizations, including publishers, that share a common set of academic values and are interested in developing new strategies for controlling costs and improving access to research information.

For over a decade, the academic library community has monitored the spiraling costs of academic research information while implementing a number of strategies to contain costs and ensure access to these expensive resources. Statistics published annually by ARL highlight the problem.

- Since 1986, the unit cost of serials has increased by 147% and that of monographs by 63%.
- Since 1986, the number of monographs purchased by ARL libraries declined by 21%.
- In 1986, the typical ARL library subscribed to 16,198 serial titles, purchased 33,210 monographs to serve 16,684 students and 1,125 faculty.
- In 1996, the typical ARL library subscribed to 15,069 serial titles, purchased 26,262 monographs to serve 18,269 students and 1,254 faculty.
- Despite canceling hundreds of thousands of dollars worth of serials, research libraries are spending 124% more on serials to acquire 7% fewer titles.

Libraries have used a number of strategies — canceling titles, decreasing the purchase of monographs, sharing resources, and collective purchasing — in an effort to balance their budgets and extend their purchasing power. These strategies, however, have not been effective in lowering the overall costs of resources. Likewise, these strategies have not fundamentally changed the publishing environment. Increasingly, library and academic administrators have come to realize that the spiraling costs cannot be solved by libraries on their own; thus the move to effect change through partnerships, innovative use of new technologies, and development of new models of publication and distribution.

Information on SPARC and on the current marketplace for scholarly journals is available on the ARL web <http://www.arl.org/sparc/index.html>.

COALITION FOR NETWORKED INFORMATION

Clifford Lynch, Executive Director

CNI HOLDS FALL TASK FORCE MEETING

The Coalition for Networked Information's Fall Task Force meeting was held on October 26-27, 1997 in Minneapolis, Minnesota in conjunction with Educom '97. This report highlights the plenary speakers and key themes of the meeting.

Intellectual Property, Policy, and Networked Information

Pamela Samuelson, who holds joint appointments in the School of Law and the School of Information Management and Systems at the University of California, Berkeley and who was recently named a MacArthur Fellow, opened a plenary program on intellectual property, policy, and networked information. An active player in the Digital Futures Coalition, Samuelson discussed three sets of federal and international policy initiatives about which she feels there has been no significant group action other than from the rightsholders community. These three policy initiatives are: H.R. 2652, related to protection of databases; bills addressing the implementation of the 1996 World Intellectual Property Organization (W.I.P.O.) treaties; and the UCC 2(b) — provisions for a new model Uniform Commercial Code (UCC) to govern transactions in networked information.

Addressing the database protection bill, Samuelson described the commercial sector's fears that their monetary and intellectual investment in compiling databases will be subject to market-destructive appropriation on the network. They are also concerned that reciprocity provisions of a European Commission (EC) directive on databases will leave American products open to misappropriation unless strict new guidelines are written into U.S. law. These provisions state that Europe will not protect another country's database contents unless that country has database protections similar to those of the EC in place; this directive goes into effect in January, 1998. While Samuelson stated that all sectors want adequate incentives to be available to database developers, she feels that the current bill before Congress (H.R. 2652) is too protective of the interests of database compilers and may have many undesirable consequences. Instead, she advocated to maintain the balance of interests between producers and the user community provided for in current copyright law.

Samuelson went on to address legislation being developed to implement the W.I.P.O. treaties domestically, some versions of which include provisions on liability for service providers. These bills would make service providers, e.g., universities, responsible for the actions of users of their systems, e.g. students in universities. Samuelson pointed out that many administrators are concerned that, in order for institutions to be responsible for their users, they would have to violate their users' free speech and privacy rights by monitoring internet transactions; additionally, the scale of monitoring required would be both impractical and chilling. Another difficulty for educational institutions are the penalties included in some bills for anti-circumvention of copyright protection technology. Such penalties that are included in some bills would be problematic for educational and research institutions because the penalties address the action rather than the action's intent. For example, there is no exception for institutions that need to make preservation copies of electronic information. In contrast, provisions of the Ashcroft bill, S.1146, one generally favored by the user community, punishes circumvention only when it infringes copyright.

The third policy initiative Samuelson chose to highlight was the Uniform Commercial Code activity that will set the standards needed for states to develop legislation to regulate information transactions on the network. Provisions, in section 2(b) of the UCC proposal, are currently being drafted as a joint effort by two different groups: the American Law Institute, and the National Conference of Commissioners on Uniform State Laws. A committee is currently drafting a proposal for endorsement by each group, prior to transmission to the states as models for adoption. As drafted, the provisions would, among other things, validate shrink-wrap or online click licenses. Two key issues raised by the proposal are the extent to which users' rights granted under copyright can be abrogated by the new "mass market" licenses, and the extent to which shrink-wrap licenses might even be extended from software to books, CDs, or other information products.

These initiatives illustrate how fundamental policy decisions are being made in Washington right now. The issues are highly specialized and technical, but how they are resolved will have great significance for how information will be available in the networked environment. Samuelson called for rules that promote prosperity, balance, and open systems, and urged the attendees to get involved by ensuring that their views are included in the framing of information policy. She encouraged attendees to support the work of the Digital Futures Coalition, in which she has been active and which gives voice to the user community. In answer to her rhetorical question, "Why should we care?" she replied that, while we all have busy lives, we need to address these issues and promote rules of balance. She stated that, though we have gotten beyond the industrial policy of "What's good for General Motors is good for the country," we now need to get beyond the credo that "What's good for Hollywood is good for the U.S." In concluding, Samuelson also made a brief but intriguing mention of her work on appropriate frameworks for protecting information in the digital environment.

Trends in Information and Communications Technology

Robert Spinrad, Vice President for Technology Strategy at Xerox Corporation, described a two-part strategic planning process at Xerox, in which top executives spend a significant

amount of time establishing their "view of the world" and then decide what the company should do in that environment. They examine economic and geopolitical trends, technologies, products and services, customers, delivery channels, and competitors, and analyze a series of assumptions as a framework for the discussions among top management.

Spinrad reviewed some of the assumptions that Xerox has made in the recent past in several areas, such as those related to networks and communication, including: the network becomes the computer; the Web will support a document-based marketplace; and that organizations will work in fundamentally different ways, both with one another and internally.

He then described how the executives at Xerox analyzed the impact of those changes: information services would evolve into an information "bazaar"; physical security/privacy control would give way to networked authorization, authentication, accounting, and privacy tools; and static text and images would be replaced by active, multimedia hypertext (a particularly significant development for a "document" company).

While many of these assumptions were familiar to CNI attendees, Spinrad also highlighted some imminent developments in networking that have received considerably less attention. In particular, he discussed the emergence of low-earth-orbit (LEO) and hybrid LEO/geosynchronous satellite constellations under development by organizations like Motorola/Iridium, Loral, and Teledesic. These promise to create a high level of truly global interconnectivity while bypassing much of the current telecommunications infrastructure in developing nations. This will, in his view, have significant economic and geopolitical consequences.

In the area of document services, some of the assumptions that Xerox is making are:

- large repositories of network-linked hypertext documents will be used in and among many enterprises;
- network-based services for document summarization, translation, notarization, format conversion, and the like will be developed; and
- hypertext documents will be supported by sophisticated visualization tools for searching complex information spaces.

Spinrad proposed that early in the next century software agents — knowbots, intelligent filters, and expert systems — will handle many information and document management tasks. He characterized this as a "sleeper" — this is where all the big money and big development is going. The systems being developed all work interactively with the user. For instance, much work at the Xerox PARC research facility is on intelligent agents, and one of the products now being marketed by a PARC spin-off company enables the user to look at a set of documents and reports and understand the contextual space of the whole body of information by enabling the user to see clusters of documents, and without reading a title, get a sense of the information space.

Spinrad also touched on Xerox's projections on hardware in the future. He stated that, by the turn of the century, individuals will be able to carry around in a very small device everything they have ever read or written in their life. This storage will be the user's personal "life file" and the rest of computing services will be a commodity on the Web. Color flat panel displays, ranging from palm-sized to wall-sized, will support most collaborative information-centric activities. Early in the next century, electronic paper "displays" (thin, flexible sheets with dynamically alterable images) will become commercially available, and the ability to make these displays compact and with high-resolution, approaching that of print on paper, is imminent in the next decade.

CNI's Program

Clifford Lynch, Executive Director, CNI, outlined his plans for the Coalition during a plenary session and then invited feedback on the program from the Task Force representatives. The three CNI program themes are:

- developing networked information content;
- transforming organizations, professions, and individuals; and
- building technology, standards, and infrastructure.

In addition to ongoing CNI programs, Lynch described some new initiatives, including projects to define technology approaches, standards, best practices, and policy and business issues for the authentication and authorization of networked information users. CNI will work closely with the Internet2 applications group and Educom's National Learning Infrastructure Initiative (NLII) to ensure that the requirements of digital information resources are well-represented in those efforts. A copy of the full program is available on CNI's website at <http://www.cni.org>.

Lynch emphasized that CNI will continue the roles for which it has been valued by the community. CNI will be an incubator of ideas, a venue for bringing parties together, a forum for discussion, and a disseminator of ideas and information about the latest networked information technologies.

Project Briefings

Project briefings included several groups of sessions which are closely connected to CNI's programmatic themes, as well as many updates on important projects. Materials from many of the project briefing sessions are included on the CNI website at <http://www.cni.org>.

Spring 1998 Meeting

The Spring Meeting of the Task Force will be held in conjunction with Net '98 on April 14-15, 1998, at the Crystal Gateway Marriott in Arlington, Virginia.

—Joan Lippincott, Associate Executive Director

Office of Management Services

Developing Shared Leadership: A Note for a New Year

by Kathryn J. Deiss, Senior Program Officer for Training and Leadership Development, and George Soete, Organizational Development Consultant

As the new year begins, two important changes are taking place within the Office of Management Services. First, effective January, 1998, the Office will have a new name — the Office of Leadership and Management Services (OLMS) — in recognition of its mission to contribute to the leadership development of academic librarians in the United States, Canada, and even abroad. Second, perhaps less subtly, the OLMS will soon have a new director to lead it into the next era. This seems like a propitious time to focus on one of the fastest growing areas of the consulting and training work that the OLMS is asked to provide: that is, to help library organizations develop shared leadership systems where authority and responsibility are distributed throughout the organization.

During the last few years, many ARL libraries have asked us to assist them in moving into shared leadership environments. In some cases the library itself expresses this need directly, and in others the need becomes apparent through work such as organizational renewal, visioning, new decision-making systems, role definition, and other organizational development work.

What is behind the movement toward shared leadership in library organizations? One important factor is embodied in an often-heard theme: "We are having to do so much more with so much less." Clearly, library users are demanding more and more from libraries; for library staff, this translates into the need to learn more and to learn faster in order to assist users in more effective ways. At the same time, libraries have fewer resources, both fiscal and human, to meet the new and increased needs. The pressures to innovate, to find better ways of doing things, and to deliver services that connect with user needs are all pointing to the need to redefine and expand the traditional roles of library staff members.

In shared leadership environments, staff are empowered to make decisions that result in an immediate satisfaction of user needs rather than involving a supervisor or several other people — a process that can translate into significant delays in service delivery.

Shared leadership fosters an environment that responds in agile ways to newness. It promotes a greater degree of creative and rational thought at the levels where it is needed. It enables all individuals in the organization to test their own assumptions and those of others rather than waiting for the ideas and decisions to be handed down through the hierarchy. True shared leadership can happen anywhere in an organization.

Moving into shared leadership means adopting different views of individual roles and systems — especially training and coaching systems.

Roles vs. Positions

What shared leadership means is that the organization places a higher degree of importance on the *roles* people assume than on the *positions* they hold. For example, whereas my position may tell me that I manage the circulation department, my role tells me that I am there to make sure that users are satisfied. This is not an easy transition for many organizations and individuals in organizations to embrace; however, it is becoming clearer that this will be a critical strategy in every organization's effectiveness.

How does an organization develop shared leadership at all levels?

Training

Training, such as that provided by the OLMS to a number of ARL libraries in the past year, is an important element in preparing staff to take on new roles. It is especially important for the development of managers who often have exerted leadership through the authority of their positions. These managers need to be assisted in practicing behaviors that foster leadership in others.

Coaching

A very strong factor in developing shared leadership is a healthy distribution of the coaching role throughout the organization. Though we might normally think of supervisors as coaches, everyone in the organization has the potential to coach others — to give and receive constructive feedback and to help one another improve performance. Training is useful as a starting point — to help people learn new ways to take initiative, make decisions, facilitate processes, and engage in self-assessment; taking mutual responsibility for group performance through coaching and feedback systems is equally critical to the continued development of shared leadership skill in the work setting.

Expressing Organizational Imperatives

Finally, the organization needs to express the imperatives that convey to staff how crucial it is to develop shared leadership and to state openly and explicitly support for the development of shared leadership.

The newly renamed Office of Leadership and Management Services (OLMS) is pleased to be able to assist academic libraries in developing the strongest possible leadership throughout their organizations. To bring an OLMS training program on shared leadership to your library, please contact Christine Seebold, OMS Program Assistant, via email: <cseebold@arl.org>, or telephone: (202) 296-8656, ext. 141.

The OLMS would like to extend its best wishes for 1998 to the many libraries we, your trainers and consultants, call our second homes. We hope to see you all in the new year.

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DIVERSITY

DeEtta Jones, Diversity Program Officer

LEADERSHIP AND CAREER DEVELOPMENT PROGRAM IDENTIFIES PARTICIPANTS

The ARL Leadership and Career Development (LCD) Program seeks to address the under-representation of racial and ethnic diversity in research libraries by encouraging more minority librarians to take on leadership roles in research libraries and to serve as role models for new recruits.

The LCD Program is funded by a Higher Education Act Title II-B grant and will operate through July 1998. The Program includes two one-week institutes, the first of which is scheduled for February 8-12, 1998, in Palm Coast, Florida, where the participants will meet with ARL and OMS faculty and guest presenters for an intensive learning experience.

The participant group was selected from a very competitive applicant pool, based on candidates who have demonstrated leadership and current involvement in the library profession. Twenty-one minority librarians were invited to participate in the 1997-98 class. Participants represent a diverse combination of professional experiences (years of library experience range from 3-17 years), cultural backgrounds, library settings, research interest areas, and academic backgrounds, including the sciences.

The LCD Program content is designed to meet rigorous educational standards. It combines theory, presented by key leaders in the library and information science profession, with experiential learning opportunities in order to support a full exploration of the theoretical concepts of cultural identity and leadership development. Guest presenters for the February institute are James Williams, University of Colorado at Boulder; Camila Alire, Colorado State University; and Robert Wedgeworth, University of Illinois at Urbana. The content introduced by current library leaders will serve as the foundation for technique development and process implementation for the duration of the institute. The faculty at the February institute will be Duane Webster, ARL Executive Director; Kathryn Deiss, OMS Senior Program Officer for Training and Leadership Development; and DeEtta Jones, ARL Program Officer for Diversity.

The second institute, in May of 1998, will build upon learning derived from the first institute, with particular attention to career development. Between institutes, participants will be working on research projects with designated mentors, most of whom are directors of ARL libraries. Participants will, at a closing ceremony in June, present their research projects to their peers, mentors, and the larger library community. A successful experience for the LCD participants will be one that encourages long-lasting professional and personal relationships, access to a range of career development resources, and the development of individual leadership attributes and methods for implementation. A successful experience for the research library community will be a growing pool of minority librarians prepared and challenged to take on new leadership roles in research libraries.

We look forward to creating a synergistic learning environment that enhances the knowledge and skills available to participants, faculty, and mentors. ARL will continue to make information available about the LCD Program content, publications, and research development as the Program progresses.

For more information about the ARL Leadership and Career Development Program, visit the website at <http://www.arl.org/diversity/lcdplist.html>.

LCD Program Participants

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ARL Activities

G. Jaia Barrett, Deputy Executive Director

Grants

The following grants have been approved by the National Endowment for the Humanities (NEH) and by the National Historical Publications and Records Commission (NHPRC).

NEH Grants

Brown University: To support the creation of a textbase of women's writing in English from 1300 to 1830, to be made accessible via the Internet.

UC-Berkeley: To support the creation of machine readable catalog records for approximately 20,000 Chinese, Japanese, and Korean language titles acquired before 1989 by the East Asian Library.

UC-Los Angeles: To support the cataloging of approximately 1,650 manuscript collections and the entry of the bibliographic records into local and national databases.

UC-Riverside: To support the digitization of 17,000 images and the preparation of archival inventories for Internet availability, describing the California Museum of Photography's collection of stereographs of the Americas.

University of Chicago:

- To support the preparation of the Chicago Hittite Dictionary, a comprehensive reference work on the earliest written Indo-European language, based on all known cuneiform texts.
- The completion of the Chicago Assyrian Dictionary, a comprehensive dictionary of Akkadian, the earliest known Semitic language, which is recorded in cuneiform texts from c. 2400 BC to 100 AD.

Columbia University: To support the completion of the cataloging of the Plimpton Collection of Medieval and Renaissance manuscripts.

University of Florida, Gainsville: To support the cataloging of approximately 1,500 newspaper titles and the preservation microfilming of 438,000 pages of newsprint in order to complete Florida's participation in the United States Newspaper Program.

Harvard College:

- To support the preservation microfilming of 8,440 brittle books published between 1800 and 1950 on medicine, anthropology, and astronomy, as well as textbooks on American history.
- To support the revision, expansion, and updating of the authoritative *Encyclopoedia of Islam*, first published in 1908.

University of Illinois at Chicago: To support the compilation of a biographical encyclopedia of women who lived between 1770 and 1990, and whose activities, while centered in Chicago, are important for the study of urban, immigration, social, and intellectual history of the United States.

University of Illinois at Urbana-Champaign: To support the preservation microfilming of 96 cubic feet of scores, manuscripts, and other materials documenting the band music and career of John Philip Sousa from 1892 to 1931.

University of Maryland, College Park:

- To support the preservation microfilming of 100,000 pages of correspondence, manuscripts, photos, and clippings of the American literary figure, Katherine Anne Porter (1890-1980).
- To support the preparation of 16 volumes documenting Eastern and Central Europe, which will form part of a bibliographic series on 19th-century music and musical life in Europe and the Americas.

University of Michigan: To support the development of the Middle English Compendium, consisting of interconnected electronic resources: a version of the print *Middle English Dictionary (MED)*, a bibliography of sources cited in the *MED*, and, ultimately, a network of related reference materials.

University of Nebraska, Lincoln: To support a statewide inventory of newspaper holdings and the microfilming of approximately 150,000 pages of newsprint in order to complete Nebraska's participation in the United States Newspaper Program.

New York Public Library: To support the cataloging of African, African-American, and African diasporan monographs, art catalogs, literary plays, and historical maps.

Northwestern University: To support the preparation of a multivolume biographical and bibliographic guide to Arabic literature of Africa. This project will produce a volume on sub-Saharan literature and scholarly works from Ghana, Mali, Senegal, and Guinea.

Princeton University: To support the cataloging of Chinese books and manuscripts produced in China before 1796 and held by libraries in the United States.

University of South Carolina: To provide automated access to and preservation of records documenting the history of slavery and the plantation system in 18th- and 19th-century South Carolina.

Stanford University, Hoover Institution: To support the arrangement, description, and preservation microfilming of Polish archival collections comprising 750,000 documents relating to diplomatic and military policies, political activities, and events in Eastern Europe during the first half of the 20th century.

University of Tennessee, Knoxville: To support the cataloging of 800 newspaper titles as part of Tennessee's

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participation in the United States Newspaper Program.

University of Wisconsin, Madison:

- To support the compilation of volumes IV and V of the *Dictionary of American Regional English* (DARE), which documents geographical differences in the vocabulary, pronunciation, and morphology of American English.
- To support the production of a microfiche series comprising all extant Anglo-Saxon manuscripts.
- To support the preparation of an electronic lexicon of varieties of New World Spanish from 1492 to the present day.

NHPRC Grants

The National Historical Publications and Records Commission has approved grants totaling $721,136 for five electronic records projects.

Coalition for Networked Information: A one-year grant of up to $20,000 for a project to develop, offer, and evaluate a pilot workshop that will bring together teams of archivists and information technologists to explore electronic records issues.

University of Michigan: A 30-month grant of $105,845 for a project to conduct an analysis of record-keeping practices in six private-sector environments with the goals of producing case studies, assessing the degree to which functional requirements for electronic record-keeping are applicable in settings without highly structured business processes, developing guidelines for electronic record-keeping in such settings, and publishing a monograph based on this study.

Minnesota Historical Society: A two-year grant of $90,031 to establish electronic records pilot programs with two state agencies in order to evaluate the metadata the agencies produce, determine the applicability of that metadata to archival concerns, and establish a set of "best practices" and guidelines that will provided incentives for other state agencies to document their information systems and provide the basis for a functioning, sustainable electronic records program within the state archives.

The Research Foundation of the State University of New York, Albany: A two-year grant of $381,332 to develop guidelines to support and promote long-term preservation of and access to public electronic records of value to secondary users, including historians and other researchers. The project will examine the factors that contribute to or impede secondary use of records, then use applied research methodologies to assess technology tools, management strategies, and resource-sharing models for their potential to facilitate such access.

Cornell University: A two-year grant of up to $123,928 to study the types of archival electronic records produced on the college level within a large university. The goal is to initiate discussions and provide recommendations that will form the basis for future efforts to implement best practices for electronic recordkeeping for Cornell's centralized university information system (Project 2000).

—Ann Doty, ARL Research Assistant

ARL Membership Convenes to Examine Preservation of Digital Information

The 131st Membership Meeting of ARL, held October 14-17, 1997 in Washington, DC, focused on strategies for the preservation of digital information. A preliminary report on the topic was distributed before the meeting as a backdrop for membership discussion about how organizations are responding to the challenge of preserving digital resources. Authored by OMS's *Transforming Libraries* series editor George Soete, the report includes a summary of the key issues that were identified in interviews with 21 people in 14 organizations that are actively engaged in digital projects.

The Membership Meeting program brought together expert speakers from some of the library, computing, and social science data archiving communities that are described in the Soete report. Through a series of panels and discussions, speakers and audience compared notes on experience-to-date. A theme that emerged early and continued throughout the program was the value of this kind of information-sharing, especially across communities. Particularly well-received by the panelists and audience was a proposal, developed by Peter Graham, Associate University Librarian, Rutgers University, for a CLIR-CNI-ARL sponsored series of workshops that would produce a research and action agenda to help guide digital library creators in effective digital preservation.

The ARL Membership Meeting also included a panel on the development of copyright management information systems and how these systems may impact research library operations. In addition, reports were provided on: changes being proposed in the Uniform Commercial Code which will affect licensing of electronic information; on CLIR's Digital Library Federation; the AAU/ARL's Global Resources Program; and on ARL's Leadership and Career Development Program for minority librarians. The Membership Meeting closed with a report on the false advertising lawsuit filed against the American Institute of Physics and the American Physical Society by Gordon & Breach (see *ARL* #194, pp. 4-5).

Continued

Elections

At the ARL Business Meeting, three member representatives were elected to terms on the ARL Board: Scott Bennett, Yale University; Paula T. Kaufman, University of Tennessee; and Carla Stoffle, University of Arizona. Gloria Werner, UCLA and ARL President, reported on the Board's election of Betty Bengtson, University of Washington, as Vice President/President-Elect. Ms. Werner also acknowledged the contributions of directors on the ARL Board of Directors, noting the departure from the Board of Nancy Cline (Harvard), Nancy Eaton (Pennsylvania State), and Barbara von Wahlde (Buffalo). At the conclusion of the Business Meeting, the ARL presidency was transferred to James Neal (Johns Hopkins) who saluted Ms. Werner's leadership during the year. The next Membership Meeting will be held May 12-15, 1998, hosted by the University of Oregon Library in Eugene.

Proceedings and Papers

Papers presented at the October meeting will be published electronically on ARL's web server as they are received. Posted to date is Robert Oakley's, Georgetown University Law Library, paper on the Uniform Commercial Code <http://www.arl.org/info/frn/copy/uccspeech.html>. Program discussions will be summarized and distributed as part of the printed proceedings. George Soete's report on preservation of digital resources will be published by ARL in 1998.

AAU/ARL Global Resources Program Expands to South Asia

The University of Chicago and the Columbia University Libraries have designed the Digital South Asia Project, a two-year initiative to develop the infrastructure for inter-continental electronic document delivery to and from selected South Asia libraries and to create new electronic reference resources. The pilot project will operate as one element of the AAU/ARL Global Resources Program.

The Global Resources Program is funded by The Andrew W. Mellon Foundation and its mission is to improve access to international research resources. Currently the Program is sponsoring or developing projects for six world areas: Japan, Latin America, Germany, Africa, Southeast Asia, and South Asia.

Expected results of the Digital South Asia project include:

- electronic indexing records for approximately 38,000 articles in Tamil journals, 38,000 articles in Urdu journals, and 4,750 English journal articles published during the nineteenth and twentieth centuries;
- electronic full text versions of three classic nineteenth-century South Asia reference books printed in roman characters;
- full-text electronic versions of five select titles from the Official Publications of India, one of which will be a statistical source structured as an electronic database;
- a website providing global access to the project's electronic resources;
- scanning capacity at research libraries in Madras, Hyderabad, and Chicago; and
- delivery on demand of page images of the Tamil and Urdu journal articles indexed under this project via the Internet either directly to scholars or through libraries.

The project developers and principal investigators are James Nye <jnye@midway.uchicago.edu>, Bibliographer for Southern Asia, University of Chicago Library, and David Magier <magier@columbia.edu>, Director of Area Studies and South Asia Librarian, Columbia University Libraries. The project will involve a partnership between the two U.S. libraries, the Roja Muthiah Research Library (Madras), and the Sundarayya Vignana Kendram (Hyderabad) in India.

Additional information on the Digital South Asia Project or the AAU/ARL Global Resources Program is available via the ARL website at: <http://www.arl.org>, or by contacting Deborah Jakubs, Director of the Global Resources Program <jakubs@acpub.duke.edu>.

Georgia Releases Copyright and Fair Use Guide

The University System of Georgia has developed the "Regents Guide to Understanding Copyright and Educational Fair Use." The "Guide," developed by the University System Committee on Copyright, provides examples of fair use and a summary of copyright law. The examples include research and writing, printed material, video and sound recordings, multimedia projects, distance education, and electronic course reserves. Miriam Drake, Director of Libraries, Georgia Institute of Technology, and William Potter, Director, University of Georgia Libraries, are members of the Committee. The "Guide" can be found at: <http://www.peachnet.edu/admin/legal/copyright>.

Recent Publications Available from ARL

After the User Survey: What Then? Transforming Libraries 4 and SPEC 226. Written for ARL by GraceAnne DeCandido, the publication documents a user survey process in eight ARL libraries and describes how library staff reacted and responded to the results of their user surveys. The issue's corresponding website <http://www.arl.org/transform/index.html>

provides details of the surveys and gives additional information to those interested in transforming their libraries based on data from users. September 1997.

Directory of Electronic Journals, Newsletters and Academic Discussion Lists. 7th ed. Edited by Dru W. Mogge, ARL. The seventh edition of the *Directory* shows continued growth in online resources with 3,409 journals or newsletters, and 3,808 scholarly e-conferences. This year's print publication includes a much expanded subject index covering both sections, and an article by Judy Luther that reviews the various options available from electronic publishers and subscription agents. Also available this year is a fully searchable web version. December 1997.

Discovering Online Resources Across the Humanities: A Practical Implementation of the Dublin Core. Edited by Paul Miller and Daniel Greenstein on behalf of the Arts and Humanities Data Service (AHDS) and the U.K. Office for Library and Information Networking (UKOLN); this report is being distributed in the U.S. by NINCH via ARL Publications. This work is a practical guide to the use of the Dublin Core metadata for describing and accessing electronic humanities information resources. 1997.

Realizing Digital Libraries: Proceedings of the 126th Membership Meeting. Edited by Patricia Brennan and Karen A. Wetzel, ARL. Papers presented and issues addressed at this meeting include: "Libraries, Printing, and Infrastructure: A Historian's Perspective" by Bruce E. Seeley; updates on digital library initiatives in Canada and the U.S.; ensuring the availability of government information in electronic formats; and the public policy challenges raised by copyright in the digital environment. December 1997.

Price and Ordering Information is available from ARL Publications <pubs@arl.org>, or via the ARL website <http://www.arl.org/pubscat/order/>.

Transitions

CISTI: Margot Montgomery was appointed Director General of Canada's National Research Council Industrial Research Assistance Program (IRAP), effective October 20. The IRAP is the NRC's innovative assistance service for small and medium-sized Canadian businesses. Bernard Dumouchel, CISTI's Director of Operations, is the acting Director General of CISTI.

University of California: Richard Lucier was named Director of the California Digital Library, a new UC library to coordinate electronic archiving projects of the system's nine campuses. He was previously the University Librarian at UC-San Francisco.

Association of American Universities: Nils Hasselmo, who retired in June as President of the University of Minnesota, was named President of AAU. He will succeed Neal Pings, who is retiring in June 1998.

American Library Association:

- ALA announced the appointment of William R. Gordon, Director of the Prince George's County Memorial Library System in Hyattsville, Maryland, as the new Executive Director of ALA, effective March 1, 1998.
- Sandra Rios Balderrama was named Diversity Officer of ALA, effective January 8, 1998. She is currently Supervising Librarian for Recruitment, Staff Training and Retention at the Oakland (California) Public Library. She is also currently President of REFORMA and a member of ALA's Spectrum Initiative Steering Committee.

Canadian Association of Research Libraries: Timothy Mark, who has served as Interim Executive Director for the last several years, was named Executive Director.

OCLC: K. Wayne Smith, President and CEO, announced on October 5 that he will step down in June 1998. He has been President since January 1989.

U.S. Government Printing Office: Francis J. Buckley was named Superintendent of Documents. An active member of ALA, he was previously Director of the Shaker Heights Public Library in Shaker Heights, Ohio. He was sworn into office at GPO on December 1.

U.S. Institute of Museum and Library Services: The IMLS announced the appointment of Elizabeth Sywetz to the position of Deputy Director for the Office of Library Services, effective January 5, 1998. Ms. Sywetz is currently Executive Director of the Western New York Library Resources Council. The IMLS is an independent U.S. federal grant-making agency serving the public by strengthening museums and libraries. For more information contact Mamie Bittner at <mbitner@imls.fed.us>.

U.S. National Commission on Library and Information Services: Jeanne Simon was nominated by President Clinton to a second term as Chairperson of NCLIS. The Senate received the nomination November 6.

U.S. National Endowment for the Humanities: William Ferris was sworn in November 13 as the seventh chair of the NEH. He will assume his position full-time in January. He was previously Executive Director of the Center for the Study of Southern Culture at the University of Mississippi.

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CALENDAR 1998

January 5–7	ARL Workshop on Electronic Publishing of Data Sets on the World Wide Web University of Virginia Charlottesville, VA
January 9–14	American Library Association Midwinter Meeting New Orleans, LA
February 5–6	**ARL Board Meeting** **Washington, DC**
February 12–13	ARL Licensing Workshop Los Angeles, CA
March 19–20	ARL Licensing Workshop Chapel Hill, NC
April 14–15	Coalition for Networked Information Spring Task Force Meeting Arlington, VA
April 15–17	Net '98 Washington, DC
May 12–15	**ARL Board and Membership Meeting** **Eugene, OR**
June 25–July 2	American Library Association Annual Conference Washington, DC
July 27–28	**ARL Board Meeting** **Washington, DC**
October 13–16	**ARL Board and Membership Meeting** **Washington, DC**

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